## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

TODD BAZZINI, GREGORY LEONARCZYK, NOAH ALLEN and JOHN MARKIEWICZ, Individually and on Behalf of All Other Persons Similarly Situated,

Case No. 08-civ-4530

Plaintiffs,

-against-

CLUB FIT MANAGEMENT, INC., JEFFERSON VALLEY RACQUET CLUB, INC., DAVID SWOPE, BETH BECK and BILL BECK.

DECLARATION OF ADAM
GONNELLI IN FURTHER
SUPPORT OF PLAINTIFFS'
MOTION FOR CONDITIONAL
COLLECTIVE ACTION
CERTIFICATION AND
COURT AUTHORIZED
NOTICE

Defendants.

I, Adam R. Gonnelli, under penalty of perjury, hereby declare:

- 1. I am a member of the law firm of Faruqi & Faruqi, LLP. I submit this declaration in further support of Plaintiffs' Motion for Conditional Collective Action Certification and Court Authorized Notice.
- 2. Attached hereto as Exhibit A is a true and correct copy of the Declaration of Michael Wisniewski dated August 20, 2008.
- 3. Attached hereto as Exhibit B are true and correct copies of some of Club Fit's Earnings Statements for opt-in Plaintiff Jared Pope.
- 4. Attached hereto as Exhibit C are true and correct copies of some of Club Fit's Earnings Statements for opt-in Plaintiff Erin Crandall.
- 5. Attached hereto as Exhibit D are true and correct copies of some of Club Fit's Earnings Statements for opt-in Plaintiff Michael Wisniewski.
- 6. Attached hereto as Exhibit E is Plaintiffs' Amended Proposed Court Authorized Notice Concerning Club Fit.

Attached hereto as Exhibit F is a redline of the Amended Proposed and the 7. original Proposed Court Authorized Notice Concerning Club Fit.

DATED:

September 5, 2008 New York, New York

# EXHIBIT A

# UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

TODD BAZZINI, GREGORY LEONARCZYK, NOAH ALLEN and JOHN MARKIEWICZ, Individually and on Behalf of All Other Persons Similarly Situated,

Case No. 08-civ-4530

Plaintiffs,

-against-

CLUB FIT MANAGEMENT, INC., JEFFERSON VALLEY RACQUET CLUB, INC., DAVID SWOPE, BETH BECK and BILL BECK.

DECLARATION OF
MICHAEL WISNIEWSKI IN
SUPPORT OF PLAINTIFFS'
MOTION FOR CONDITIONAL
COLLECTIVE ACTION
CERTIFICATION

Defendants.	
	- X

I, Michael Wisniewski, declare, upon personal knowledge and under penalty of perjury, pursuant to 28 U.S.C. Section 1746, that the following is true and accurate:

- 1. My name is Michael Wisniewski and I reside in Briarcliff, New York.
- 2. I have opted-in to the Club Fit litigation.
- I have worked at Club Fit since 2003. Since 2005, I have worked full time in the aquatics department under various titles, where I am currently the supervisor of aquatics, a lifeguard and a lifeguard instructor.
- 4. In mid-2008, right around the time that I first learned of this lawsuit, I was told by Scott Karsen, my manager and director of aquatics, that I was a salaried employee without any change in my responsibilities or workload.
- 5. Until mid-2008, I was paid on a bi-weekly basis at an hourly rate for up to twenty to thirty hours per week as a supervisor, which Club Fit referred to as administrative hours. However, I was required to work more than those thirty-hours per week in that position. I was not permitted to punch in or out

for my administrative hours.

- 6. Until mid-2008, I was paid on a bi-weekly basis at a separate hourly rate for my work as a lifeguard in addition to my administrative duties. My lifeguard hours were recorded on a computerized time clock system until late 2007 or early 2008. I was not paid for all lifeguard hours worked. I received a single check for my administrative and lifeguard work.
- I was paid separately for lifeguard instruction on a flat fee basis for periodic lifeguard training classes. The classes run for approximately fifteen hours over the course of a weekend approximately ten to twelve weekends per year. The lifeguard classes were never factored into any overtime calculation. I continue to teach those classes and continue to be paid separately for those classes.
- I regularly worked more than forty hours per week without any overtime compensation.
- 9. I was required to work many hours off the clock, both lifeguard hours and administrative hours. I was not permitted to record these hours and I received no pay for these hours.
- 10. In approximately 2006, I was told by Mr. Karsen that I was recording too many hours. He told me not to record all of my lifeguard hours because of administrative reasons, but told me to do what I had to make sure all shifts were covered and all safety requirements were met.
- 11. In late 2007 or early 2008, Mr. Karsen told me that "I wouldn't have to worry about punching in for anything anymore" and that I would be paid for thirty

- administrative hours and ten lifeguard hours. Mr. Karsen said at that time, that I would not be required to work more than forty hours per week. In fact, I was then required to work even more hours, but I was not paid for more than forty hours per week.
- 12. Only after I heard about this lawsuit in May 2008, did Mr. Karsen begin referring to me as a "salaried employee," and instead of paying me for some hours at my lifeguard rate, shifted all of my hours to my administrative rate. Since that time, my payroll stubs have continued to indicate that I am paid on an hourly basis at my administrative rate, so I still considered myself an hourly employee.
- Occasionally, other members of the aquatics staff would tell me that Mr. 13. Karsen had changed their time records, subtracting hours that they actually worked,
- I am aware of other employees in the aquatics department, including but not 14. limited to Daniel Whiting, who did not receive overtime for all hours worked and were required or permitted to work off the clock.
- 15. Club Fit has a history of retaliating against its employees and its General Manager Diane Pulleyblank has threatened my co-workers with retaliation if they were to get involved in wage and hour grievances.
- I know of other employees at Club Fit who believe that they are entitled to 16. overtime, but they have told me that they afraid to join the lawsuit because they believe that management will retaliate against them.
- I regularly worked in excess of ten hours in a single workday. I never 17.

- received "spread of hours" premium pay for those days or any additional pay for working more than ten hours in a single workday.
- 18. I had never heard of "spread of hours" premium pay until I spoke with my attorneys. I have never heard of any employee at the club receiving "spread of hours" pay.

I declare under penalty of perjury and upon personal knowledge that the foregoing is true and correct.

Dated: Briarcliff, New York August 20, 2008

Michael Wisniewski

# EXHIBIT B

#### File Earnings Statement

Period ending: Pay date:

5/27/2003 5/21/2003

Social Security Number Taxable Marital Status: Married Exemptions/Allowances:

Federal: 0 State: 0 Local:

JARED POPE **BRONX, NY 10467** 

Earnings	rate i	nours	this per	iod	year to d	ate
Regular	# /0.00 °	25 50	255.	00		
	Gross Pay			110	5,925	00**
Deductions	Statutory					
Deddodoug	Federal Income	Tax	-0	69*	494	. 62**
	Social Security	Tax	-15	81*	367	35**
	Medicare Tax		-3	70*	85	.91**
	Worked-In Loc	al Tax	-0	.83*	126	.09**
	SUI/SDI		-1	.20*	4	80**
	Net Pey		\$2.32	77		

p/P 5/21/03

- \*\* YTD figures as of the last payroll processing
- \* Calculations are based on the exemptions from the last payroll processing

Pay date:

Social Security No.

5/21/2003

Pay to the order of:

JARED POPE

TWO HUNDRED THIRTY END AND 77/100 DOLLA This amount:

\$232.

CLUB FIT BRIARCLIFF P O. BOX 241 JEFFERSON VALLEY, NY 10535 FEammings Statement

Period Ending:

05/31/2003 06/16/2003 AP

Taxable Marital Status: Married Exemptions/Allowances:

Federal; 0 State: 0 Local: 0 **JARED POPE** 

Pay Date:

**BRONX, NY 10467** 

Social Security Number: 4258

Earnings	rate	hours	this period	year to date
Regular	25.0000	196.50	4,912.50	11,265.00
	Gross Pay		\$4,912,50	11,265 00
*			•	

Deductions	Statutory	
	Federal Income Tax	-445.34
	Social Security Tax	-287 .45
	Medicare Tax	-67 23
	NY State Income Tax	-201.14
	New York Cit Income Tax	-121 38
	NY SUI/SDI Tax	-2.40
	Other	
	Checking	-3,511 36
	Health 125	
		ateria Control of the Control

\* Excluded from federal taxable wages

Not Pay 40.00

Your federal taxable wages this period are \$4,636 30

CLUB FIT BRIARCLIFF P.O. BOX 241

Advice number:

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940.65 681.31 159.34 400.22 248.30 9.26



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#### FEarings Statement 12

Period Ending: Pay Date: 09/16/2003 09/24/2003



CLUB FIT BRIARCLIFF P O BOX 241 JEFFERSON VALLEY, NY 10535

Texable Mantel Status: Married Exemptions/Allowances:

Federal: 0 State: 0 Local: 0 JARED POPE

BRONX, NY 10467

Social Security Number: 4258

Earnings	rate hours	this period	year <b>to date</b>
Regular	10.0000 61.25	612.50	22,430 00
	Grass Pay	\$612.50	22,430 00
Deductions	Statutory		
	Federal Income Tax	-30,48	1,700.26
	Social Security Tax	-37 98	1,347.85
	Medicare Tax	-8.88	315 22
	NY State Income Tax	-13 08	738 14
•	New York Cit Income Tax	-8 64	462 33
	NY SUI/SDI Tax	-1 20	19 05
	Other		
	Checking	-512 24	
	Health 125		
	Net Pay	\$0.80	

Your federal taxable wages this period are \$612.50

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CLUB FIT BRIANCLIER

JEFFERSON VALLEY, NY 10535

Advice number:

Pay date:

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09/24/2003

Deposited to the account of

JARED POPE

account number

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VOID AFTER 180 DAYS

Field Phintigs Statement 12

Period Ending: Pay Date:

09/30/2003 10/08/2003

CLUB FIT BRIARCLIFF P O BOX 241 JEFFERSON VALLEY, NY 10535

Taxable Marital Status: Married Exemptions/Allowances: Federal: 0

State: O Local:

JARED POPE

**BRONX, NY 10467** 

Social Security Number: 4258

	mount of outling that the outliness of t	1200	
Earnings	rate hours	this period	year to date
Regular	10,0000 ` :8,00	80.00	22,510 00
	Grose Pay	\$80,00	22,510.00
Deductions	Statutory		
	Social Security Tax	-4.96	1,352.81
*	Medicare Tax	-1 16	316 38
	NY SUI/SDI Tax	-0.40	19 45
	Federal Income Tax		1,700 26
	NY State Income Tax		738 14
	New York Cit Income Tax		462.33
	Other		
	Checking	-73 .48	
	Health 125		
	Not Pay	\$0 e0	

Your federal taxable wages this period are \$80.00

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account number

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#### Case 1:005-c 2005-53-005-51-MHD000-2005-7 rient 34-3

#### Flamingsobtatement12

09/30/2003

Period Ending:

10/15/2003

Pay Date:

Taxable Marital Status: Married Exemptions/Allowances:

CLUB FIT BRIARCLIFF

Federal: 0 State: Local:

P.O BOX 241

JARED POPE **BRONX, NY 10467** 

Social Security Number:

JEFFERSON VALLEY, NY 10535

	Cooler Country 14dillock	- (Lou	
Earnings	rate hours .	this period	year to date
Regular	25.0000 120.00	.3,000.00	25,510.00
-	Gross Ray	\$3,000.00	25,510 00
٠			
Deductions	Statutory		
	Federal Income Tax	-164.18	1,864 44
	Social Security Tax	-177 .44	1 530 25
	Medicare Tax	-41 .50	357 88
	NY State Income Tax	-74 63	812 77
	New York Cit Income Tax	-48.25	510 58
	NY SUI/SDI Tax	-2 40	21 85
•	Other		
	Checking	-2,353.50	•
	Health 125		
	Net Pay	\$0.09	

\* Excluded from federal taxable wages

Your federal taxable wages this period are \$2,861 90

CLUB: FIT BRIANCLIFF P 0 BOX 241

Deposited to the account of

JEFFERSON VALL .NY 10535

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#### FiEarning®Statement2

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CLUB FIT BRIARCLIFF P O BOX 241 JEFFERSON VALLEY, NY 10535 Period Ending: Pay Date: 10/31/2003 11/14/2003

Taxable Marital Status: Married Exemptions/Allowances;

Federal: 0 State: 0 Local: 0

NY SUI/SDI Tax

JARED POPE

**BRONX, NY 10467** 

Social Security Number: 258

Earnings	rate hours	this period	year to date
Regular	25 0000 \205 00 ''	5,125 <b>00</b>	30,635.00
Misc		14.00	14 00
	Gross Pay S	5,139,00	30,649.00
<u>Deductions</u>	Statutory Federal Income Tax	-479.47	2,343.91
	Social Security Tax	-309.59	1,839 84
	Medicare Tax	-72.41	430.29
	NY State Income Tax	-214 <b>62</b>	1,027.39
	New York Cit Income Tax	-129.43	64001

Other
Checking -3,785.58
Health 125

\* Excluded from federal taxable wages

Your federal taxable wages this period are \$4,993.50

GEOB FIT: BRIARCEIFF E. G. BOX 241 JEFFERSON: VALLEY, NY 10535

Deposited to the account of JARED POPE

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Advice number:

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VOID AFTER 180 DAYS

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CLUB FIT BRIARCLIFF PO BOX 241

JEFFERSON VALLEY, NY 10535

Taxable Marital Status: Married Exemplions/Allowances: Federal: 0

State: Local: JARED POPE

Period Ending:

Pay Date:

**BRONX, NY 10467** 

Social Security Number: 4258

Earnings	rate hours this period	year to date
Regular	25 0000 <b>198,50</b> 4,962 <b>50</b>	35,597.50
Misc		14.00
	Gross Pay // \$4, 962 50	35,611 50

401-K

Statutory **Deductions** Federal Income Tax -454,95 2,798.86 Social Security Tax -298.66 2,138 50 Medicare Tax -69.84 500.13 NY State Income Tax -203.54 1,230.93 New York Cit Income Tax -122.86 762.87 NY SUI/SDI Tax 26 65 -240

> Other Checking -3,664,75 Health 125 Net Pay \$2,00

\* Excluded from federal taxable wages

Your federal taxable wages this period are \$4,817 00

Important Notes REMINDER - JANUARY IS OPEN ENROLLMENT MON

11/30/2003

12/15/2003

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Deposited to the account of

\$3,664.7

VOID AFTER 180 DAYS

**NON-NEGOTIABLE** 

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CLUB FIT BRIARCLIFF P O BOX 241 JEFFERSON VALLEY, NY 10535

Period Ending: Pay Date: 01/06/2004 01/14/2004

Taxable Marital Status: Married Exemptions/Allowances:

Federal: 0 State: 0 Local: 0

Checking

Health 125 Net-Ray JARED POPE

**BRONX, NY 10467** 

Social Security Number 4258

<u>Earnings</u>	rate hours	this period	year to date
Regular	. 25.0000 \(178.50\\\\\\	4,462.50	4,462.50
	Gross Pay	4.462.50	4,462.50
	1000		
Deductions	Statutory		
	Federal Income Tax	-321 60	321.60
	Social Security Tax	-267 65	267.65
	Medicare Tax	-62.60	62.60
	NY State Income Tax	-144.96	144.96
	New York Cit Income Tax	-91.54	91.54
	NY SUI/SDI Tax	-2.40	2 40
	Other	_	

\* Excluded from federal taxable wages

Your federal taxable wages this period are \$4,317.00

-3,426 25

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CLUB FIT BENARCLIFF F.O. BOX 241 LEFFERSON VALLEY, NY 10535

Deposited to the account of JARED POPE

Advice number.

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#### Fi**Earning**®Statement 12

Period Ending: Pay Date: 01/31/2004 02/16/2004

**AP** 

CLUB FIT BRIARCLIFF P O BOX 241 JEFFERSON VALLEY, NY 10535

Taxable Mantal Status: Married Exemptions/Allowances:

Federal: 0 State: 0 Local: 0

Checking

Health 125

Net Pay

JARED POPE

BRONX, NY 10467

Social Security Number: 4258

Earnings	rate hours	this period	year to date
Regular	25,0000 181.00	4,706.00	9,168.50
	Gross Pay	4,706:00	9,168.50
Deductions	Statutory		
	Federal Income Tax	-420.52	742.22
	Social Security Tax	-282 76	550 . 41
	Medicare Tax	-66 12	128.72
	NY State Income Tax	-188.34	333. <b>30</b>
	New York Cit Income Tax	-113 47	205 01
	NY SUI/SDI Tax	-2.40	4 80
	Other		

\* Excluded from federal taxable wages

Your federal taxable wages this period are \$4,560 50

-3,486.79

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Deposited to the account of JARED POPE

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CLUB FIT BRIARCLIFF P O BOX 241 JEFFERSON VALLEY, NY 10535

Taxable Marital Status: Married Exemptions/Allowances:

Federal: 0 State: 0 Local: 0

	Legan and the second se		
Earnings	rate hours	this period	year to date
Regular	26.0000 168.50	4,381.00	13,549.50
	Gross Pay	\$4,381. <b>00</b>	13,549.50
		, , , , , , , , , , , , , , , , , , ,	
Deductions	Statutory		
	Federal Income Tax	-356 27	1,098.49
	Social Security Tax	-262 60	813.01
	Medicare Tax	-61 42	190 14
	NY State Income Tax	-158 23	491 .53
	New York Cit Income Tax	x -98 35	303 .36
	NY SUI/SDI Tax	-2.40	7.20
	Other		
	Checking	-3,296 23	
	Health 125		

\* Excluded from federal taxable wages

Net Cay 90.00

Your federal taxable wages this period are \$4,235 50

JARED POPE

Period Ending:

Pay Date:

**BRONX, NY 10467** 

Important Notes

STAFF DISCOUNT OF MASSAGE. MONDAY FRI 11-8 10
OFF (EXCLUDING HOLIDAYS)

02/29/2004

03/15/2004

STAFF DISCOUNT OF MASSAGE - MON - FRI 11 - 3 10 00 OFF (EXCLUDING HOLIDAYS)

CLUB FIT BRIABCLIFF P.O. BOX 241 PEFFERSON VALLEY, NY 10535

Deposited to the account of JARED POPE

VOID AFTER 180 DAYS

Advice number: 0000013 Pay date 03/15/20

account number transit ABA

\$3,296 2



### Fi**Earnings**:Statement 12

CLUB FIT BRIARCLIFF PO BOX 241 JEFFERSON VALLEY, NY 10535 Period Ending: Pay Date:

03/31/2004 04/14/2004

Taxable Marital Status: Married

Exemptions/Allowances:

Federal: 0 State: Local: 0 JARED POPE

**BRONX, NY 10467** 

Earnings	rate hours	this period	year to date
Regular		5,109.00	18,658 50
	Gross Pay	55,109,00	18,658.50
		•	·
Deductions	Statutory		
	Federal Income Tax	-470 .67	1,569.16
	Social Security Tax	-307.73	1,120.74
	Medicare Tax	-71 <del>9</del> 7	262.11
	NY State Income Tax	-210.55	702 08
	New York Cit Income Tax	-127.58	430.94
	NY SUI/SDI Tax	-2 40	9 .60
	Other		
	Checking	-3,772 60	
	Health 125		
	Net Pay	\$0,00	

\* Excluded from federal taxable wages

Your federal taxable wages this period are \$4,963.50

Advice number:

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VOID AFTER 180 DAYS



### FiEarnings Statement 4

Period Ending: Pay Date: 04/13/2004



CLUB FIT BRIARCLIFF P O BOX 241 JEFFERSON VALLEY, NY 10535

Taxable Marital Status: Marned

Exemptions/Allowances:

Federal: 0 State: 0 Local: 0

JARED	POP	E
BRONX	.NY	10467

Earnings	rate hours	hia period	year to date
Regular	.10.0000 44.00	440.00	19,098.50
$T_{\star}$	Gross Pay	\$440,00	19,098 50
Deductions	Statutory	·	
	Federal Income Tax	-13 23	1,582.39
	Social Security Tax	-27 28	1,148.02
	Medicare Tax	-6 38	268" 49
	NY State Income Tax	-6 10	708 18
	New York Cit Income Tax	-4.34	435, 28
	NY SUI/SDI Tax	-1 20	10 80
	Other		
	Checking	-381 .47	
	Health 125		
	Net Pey	\$0.00	

Your federal taxable wages this period are \$440 00

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P. C. BOX 241

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Advice number:

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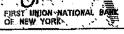
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CLUB FIT BRIARCLIFF P O BOX 241 JEFFERSON VALLEY, NY 10535

Taxable Marital Status: Married Exemptions/Allowances:

Federal: 0

State: 0 Local:

JARED	POP	E	_
BRONX	, NY	10467	

Period Ending:

Pay Date:

to date
,427 50
,427.50

Deductions	Statutory
	Federal Income T
	Social Security Ta
· ·	

1 953.61 -371 22 ax 1.407 40 ax: -259.38 Medicare Tax -60,66 329 15 NY State Income Tax -166 59 874.77 New York Cit Income Tax -101.24 536 52 NY SUI/SDI Tax -2.40 13 20

Other -3,222 01 Checking Health 125

Net Pay

\* Excluded from federal taxable wages

Your federal taxable wages this period are \$4,183 50

Important Notes

REP POSITION AVAILABLE AT BRIARCLIFF - CONTACT TER AT EXTENSION 124

04/30/2004

05/14/2004

CLUB FIT BHIARCLIFF P.O. BOX 241 Advice number:

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Deposited to the account of

JARED PORE .

account number.

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VOID AFTER 180 DAYS

#### FEarnings Statement 14

Period Ending: Pay Date: 07/06/2004 07/14/2004



CLUB FIT BRIARCLIFF P O BOX 241 JEFFERSON VALLEY, NY 10535

Taxable Marital Status: Married Exemptions/Allowances:

Federal: 0 State: 0 Local: 0

JARED	POP	E
BRONX	NY	10467

Earnings	rate hours	this period	year to date
Regular	26.0000 181.50	4,719.00	31,968 50
	Gross Pay	\$4,719.00	31,968.50
Deductions	Statutory		
	Federal Income Tax	-426 60	2,670.83
	Social Security Tax	-283 56	1,918 90
	Medicare Tax	-66 32	448.76
	NY State Income Tax	-191 52	1,195.56
	New York Cit Income Tax	k -115 20	731 . 36
	NY SUI/SDI Tax	-2.40	18.00
•	Other ·		
	Checking	-3,487 90	
	Health 125		
	Not Pay	<b>\$0.</b> 00	

\* Excluded from federal taxable wages

Your federal taxable wages this period are \$4,573 50

clue fit briafoliff P.O. BOX 241 JEFFERSON VALLEY, NY 10535

Deposited to the account of ...

Advice number.

0000029010 07/14/2004

account number

transit, ABA

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VOID AFTER 180 DAYS

CLUB FIT BRIARCLIFF PO BOX 241 JEFFERSON VALLEY, NY 10535 Period Ending: Pay Date:

10/31/2004 11/15/2004

Taxable Marital Status: Married Exemptions/Allowances:

0

Federal: 0 State: Local:

BRONX,	NY	10467

JARED POPE

Other Benefits and Information this period total to date 401K Match

Earnings	rate	hours	this period	year to date
Regular	26.0000	194.00	5,044.00	46,580.50
	Gross Pay		\$5,044.00	46,580 50

Deductions	Statutory	-	
	Federal Income Tax	-556 .27	3,943 98
	Social Security Tax	-303.33	2,788 38
	Medicare Tax	-70 94	652.12
	NY State Income Tax	-251 . 37	1,766.31
	New York Cit Income Tax	-148 03	1,078.61
	NY SUI/SDI Tax	-2 40	27.60
	Other		
	Checking -	3,340 27	
	Health 125		

Life Ins 401 K Net Pay

\* Excluded from federal taxable wages

Your federal taxable wages this period are \$4,690 55

CLUE FIT BRIANCLIFF ON BOX 241

Deposited to the account

Advice number

account number

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#### FEamings Statement 14

Period Ending: Pay Date:

12/07/2004 12/15/2004

CLUB FIT BRIARCLIFF PO BOX 241 JEFFERSON VALLEY, NY 10535

Texable Marital Status: Married Exemptions/Allowances:

Federal: 0 State: Local: 0

J	A	R	E	D	P	0	P	E
			-	-			_	

**BRONX, NY 10467** 

Earnings	rate	hours	this period	year to date
Regular	26.0000		5,200.00	51,780.50
_	Gross Pay		\$5,200,00	51,780.50

Other	Benefits	and
Inform	nation	

4,522.72

3,101 37

2,027.94

1,232,48

30.00

725.32

this period total to date 401K Match

Statutory Deductions Federal Income Tax -578.74 Social Security Tax -312.99Medicare Tax -73.20NY State Income Tax -261 63 New York Cit Income Tax -153 87. NY SUI/SDI Tax -2 40 Other Checking -3,439.54 Health 125 Life Ins 401K

\* Excluded from federal taxable wages

Not Pay \$0.00

Your federal taxable wages this period are \$4,840.31

UB FIT BRIANCLIFF O BOX 241

Deposited to the account of JARED POPE

Advice number:

transit. ABA

account number

H<mark>enlighta-Col</mark>ored when hold franching and the behaddan and Exemply from Dark will do hollower at do location to

0210 0008

\$3,439.54

**VOID AFTER 180 DAYS** 

CLUB FIT BRIARCLIFF

PO BOX 241 JEFFERSON VALLEY NY 10535

Taxable Mantal Status: Marned Exemptions/Allowances:

Federal: 0

State

Local 0

•			
Earnings	· rate hours	this period	year to date
Regular	26.0000 175.50	4,563.00	4 563 00
	Gross Pay	\$4,563.00	4 563 00
e e e e e e e e e e e e e e e e e e e	•		
Deductions	Statutory		
	Federal Income Tax	-485 87	485 .87
	Social Security Tax	-273 50	273 50
•	Medicare Tax	-63 96	<b>63</b> 96
•	NY State Income Tax	-219 74	219.74
	New York Cit Income Tax	x -130 02	130 .02
	NY SUI/SDI Tax	-2 40	2.40
	Other		
•	Checking	-3,035 36	
	Health 125		
	Life Ins		
	401K		
•	Not. Pay And Services	\$0.00	

\* Excluded from federal taxable wages

Your federal taxable wages this period are \$4,228 79

Earnings Statement 14

Period Ending: Pay Date:

12/31/2004

01/14/2005

JARED POPE

**BRONX, NY 10467** 

Other Benefits and

Information this period 401K Match

total to date

Important Notes

REMINDER - JANUARY IS OPEN ENROLLMENT MONTH FO 401-K

LUB EIT: BHARCKIFF P 0 BOX 241

Advice number:

Deposited to the account of

JARED POPE

VOID AFTER 180 DAYS

**NON-NEGOTIABLE** 

FIRST UNION NATIONAL B

**CLUB FIT BRIARCLIFF** P.O BOX 241 JEFFERSON VALLEY, NY 10535

Taxable Marital Status: Married Exemptions/Allowances:

Federal: 0 State: Local: 0

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Period Ending:

Pay Date:

BRONX, NY 10467

Other B	enefits	and
---------	---------	-----

Information this period total to date 401K Match

01/31/2005

02/15/2005

11			
Earnings	rate hours	this period	year to date
Regular	25 0000 27,00	702 00	9,997.00
Regular	28.0000 169.00	4,732.00	
_	Siross Pay	\$5,434.00	9,997.00
Deductions	Statutory		
	Federal Income Tax	-516.05	1,001 92
	Social Security Tax	-327.50	601 00
5.12	Medicare Tax	-76 60	140.56
	NY State Income Tax	-234.81	454 .55
	New York Cit Income Tax	k -141.12	271 .14
	NY SUI/SDI Tax	-2.40	4 .80
	Other	>	
	Checking	-3,748.53	
	Health 125	*	
	Life Ins		
	401K		

\* Excluded from federal taxable wages

Your federal taxable wages this period are \$5,064.95

CLUB FIT BRIANCUFF Q BOX 241

Pav date

00000064035

Deposited to the account of

Advice number:

transit ABA

VOID AFTER 180 DAYS



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#### Fileamings Statement4

Period Ending: Pay Date:

03/31/2005 04/15/2005



CLUB FIT BRIARCLIFF P O. BOX 241 JEFFERSON VALLEY, NY 10535

Taxable Marital Status: Married Exemptions/Allowances:

Federal: 0

State: 0 Local: 0

<b>JARED</b>	PO	PE	:

**BRONX, NY 10467** 

401K Match

Earnings	rate hours	this period	year to date
Regular	28.0000 202.00	5,656.00	20,011.00
- · ·	Gross Pay	\$5,656.00	20,011 00
Deductions	Statutory	·	
	Federal Income Tax	-661 . 84	2,075 18
	Social Security Tax	-341 26	1,203.06
	Medicare Tax	-79 81	281 .36
	NY State Income Tax	-291 61	931 90
	New York Cit Income Tax	¢ -171.18	552 .99
	NY SUI/SDI Tax	-2.40	9 60
	Other		
	Checking	-3,712.03	
	Health 125		
:	Life Ins		
	401K		100.47

\* Excluded from federal taxable wages

Net Pay

Your federal taxable wages this period are \$5,278.07

Other	<b>Benefits</b>	and	•		
Inforn	nation	ť		this	period

US FIT BRIANCLIFF

Deposited to the account of JARED POPE

VOID AFTER 180 DAYS

Advice number:

00000150041

Period Ending: Pay Date:

06/30/2005 07/15/2005

CLUB FIT BRIARCLIFF PO BOX 241 JEFFERSON VALLEY NY 10535

Taxable Marital Status: Married Exemplions/Allowances:

Federal: 0 State: 0 Local: 0

Social Security Number: XXX-XX-4258

Earnings	. rate hours .	. this period	year to date
Regular	28.0000 175.50	4,914.00	31,057.00
	Gross Pay	\$4,914,00	31,057.00
·:			
Deductions	Statutory	<u> </u>	
	Federal Income Tax	-536 41	3,152.18
	Social Security Tax	-295.26	1,859.70
	Medicare Tax	-69 05	434 93
	NY State Income Tax	-242 82	1,417 31
	New York Cit Income Ta	ex -143 16	844 55
	NY SUI/SDI Tax	-2 40	16 80
	Other		
	Checking	-3,258 71	
	Health 125	*	
	Life Ins		
	401K		
		ANT THURSDAY WAS ALLOW AND A	*

\* Excluded from federal taxable wages

Your federal taxable wages this period are \$4,565 75

**JARED POPE** BRONX, NY 10467

Other Benefits and

Information this period: total to date 401K Match

Important Notes

OPENING FOR ASSISTANT RECEPTION MANAGER AT BRIARCLIFF - CONTACT KELLY X 150

OPENING FOR ASSISTANT RECEPTION MANAGER AT BRIARCLIFF - CONTACT KELLY X 150

LUB FIT BRIARCLIFF .O BOX 241

Deposited to the account of

JARED POPE

ccount number

VOID AFTER 180 DAYS



Case 1 006-cv-104530-00-6J-106-00 vc-10 ecuning nt 34-4 3W6 264682 720901

Filed 09/05/2008 P. Earnings Stat

Period Ending: Pay Date:

07/31/2005 08/15/2005

CLUB FIT BRIARCLIFF P O BOX 241 JEFFERSON VALLEY NY 10535

Taxable Marital Status: Married Exemptions/Allowances:

Federal 0 State: Local:

Life Ins

Social Security Number XXX-XX-4258

Earnings	. · . rate	hours	, this period	year to date
Regular	28.0000		5,054,00	36,111 00
	Gross Pay		\$5,054.00	36,111 00

Deductions	Statutory			
· .	Federal Income Tax	-579	32	3 731 50
	Social Security Tax	<sup>'</sup> -313	35	2,173.05
	Medicare Tax	-73	28	508 .21
	NY State Income Tax	-262	42	1,679.73
	New York Cit Income Tax	-154	32	998 87
	NY SUI/SDI Tax	-2	40	19.20
	Other			, i
	Checking -	3.448	81	

401K Health 125 Not Pay \$0.00

\* Excluded from federal taxable wages

Your federal taxable wages this period are \$4,851 84

JARED POPE BRONX, NY 10467

Other Benefits and

this period Information total to date 401K Match

Important Notes

LOOK FOR A NEW "STAFF RIDING THE WAVE" POSTING **EVERY WEDNESDAY** 

CLUB: FIT: BRIANCEIFF . OF BOX 241

Deposited to the account of

account number 🥂

Advice number:

\$3,448.8

VOID AFTER 180 DAYS

#### Case

Mantent 34-4

#### 4 F

FEarmings Statement 14

Period Ending: Pay Date: 01/31/2007 02/14/2007

Taxable Marital Status: Married

JEFFERSON VALLEY, NY 10535

CLUB FIT BRIARCLIFF

Exemptions/Allowances: Federal: 2 State: 2

P.O. BOX 241

**JARED POPE** 

Social Security Number: XXX-XX-4258

Earnings	. rate hours	this period	year to date
Regular	31 0000 195.00	6,045.00	10,067.00
Regular	15.0000 49.00	735.00	
	Grose Psy	36,780,00	10,067 00
Deductions	Statutory		
	Federal Income Tax	-356 97	554, 97
	Social Security Tax	-288 11	491.90
	Medicare Tax	-67.38	115.04
	NY State Income Tax	-187 74	302.63
	NY SUI/SDI Tax	-2 .40	4.80
:	Other		
	Checking	-3,744.22	
	Health 125		
	Not Pay	e e Siraii	

\* Excluded from federal taxable wages

Your federal taxable wages this period are \$4,646.82

PENEVILY (FROMIDARK WITTOP NOTULALING

CLUB FIT BRIANCLIFF

JEFFERSON VALLEY NY 10535

Deposited to the account of

JAREN POPE

Wachovia Bank, N

Advice number:

00000070045

account number.

traneit ARA

n in marin

8602

1240 029

\$3 744500

VOID AFTER 180 DAYS



FEarmings Statement 14

02/28/2007

Period Ending:

Pay Date: 03/14/2007

Taxable Marital Status: Married

CLUB FIT BRIARCLIFF

Exemptions/Allowances: Federal: 2 State:

P O BOX 241

**JARED POPE** 

COLD SPRING, NY 10516

Social Security Number: XXX-XX-4258

JEFFERSON VALLEY, NY 10535

		337 1000	
Earnings	rate hours	this period	year to date
Regular	31.0000 1 <b>78</b> .50	5,533 50	16,410.50
Regular	1 <b>5.0000</b> 54.00	810.00	
	Gross Pay	\$6,343,50	16,410 50
Deductions	Statutory		
	Federal Income Tax	-493 : 57	1,048.54
	Social Security Tax	-349 .21	841.11
	Medicare Tax	-81 .67	196.71
	NY State Income Tax	-253 .12	555 75
	NY SUI/SDI Tax	-2.40	7 20
	Other		
	Checking	-4,452 47	
	Health 125		
	Not Pay	\$0.00	

\* Excluded from federal taxable wages

Your federal taxable wages this period are \$5,632 44

Advice number:

00000110054

VOID AFTER 180 DAYS

FEarnings Statement 14

03/31/2007

Period Ending: Pay Date:

04/16/2007

CLUB FIT BRIARCLIFF P.O BOX 241 JEFFERSON VALLEY, NY 10535

Taxable Marital Status: Married Exemptions/Allowances: Federal: 2 State:

JARED POPE

COLD SPRING, NY 10516

Social Security Number: XXX-XX-4258

docen decouty induper: XXX-XX-4256			
Earnings	rate hours	this period	year to date
Regular	32 0000 212.50	6,800 00	24,035.50
Regular	15.0000 55.00	825.00	
. <del>"</del>	Gross Pay	\$7,625,00	24,035.50
Deductions	Statutory	-	
	Federal Income Tax	-696, 29	1,744.83
	Social Security Tax	-428 66	1,269 77
	Medicare Tax	-100.25	296.96
	NY State Income Tax	-340.47	896.22
	NY SUI/SDI Tax	-2 40	9.60
	Other		
	Checking	-5,345.87	
	Health 125		
	New Pay	\$2.65	

\* Excluded from federal taxable wages

Your federal taxable wages this period are \$6,913.94

CLUB FIT BRIANCLIFF AR.O. BOX 241

Advice number:

Deposited to the account of

JARED POPE

MLDY AND EVENLY FROM DARK AT TOR TO LIGHTER AT BOTH

amount

1240 0297

\$5,345.87

Wachovia Bank,

VOID AFTER 180 DAYS

FiEaPhings Statement 14

CLUB FIT BRIARCLIFF P O. BOX 241 JEFFERSON VALLEY, NY 10535

Period Ending: Pay Date:

04/30/2007 05/15/2007

Taxable Marital Status: Married Exemptions/Allowances: Federal: 2 State:

JARED POPE

COLD SPRING, NY 10518

Social Security Number: XXX-XX-4258

Earnings	rate · hours	this period	year to date
Regular	32:0000 154.50	4,944.00	29,714.50
Regular	15.0000 49.00	735.00	
	Grass Psy	\$8,679.00	29,714.50
Deductions	Statutory		
	Federal Income Tax	-405.14	2,149.97
	Social Security Tax	-308.01	1,577.78
	Medicare Tax	-72.04	369.00
,	NY State Income Tax	-209.73	1,105.95
· ·	NY SUI/SDI TAX	-2.40	12.00
	Other		
	Checking	-3,970.62	
	Health 125		
	Net Pev	\$10,061	

\* Excluded from federal taxable wages

Your federal taxable wages this period are \$4,967.94

Advice number

Deposited to the accoun

ÉLUB FIT BRIANCLÍFF

P.O. BOX 241

JARED POPE

account number

\$3,970.62

VOID AFTER 180 DAYS

NON-NEGOTIABLE

Wachovla Bank

FEarmings Statement 12

Period Ending: Pay Date:

05/31/2007 06/15/2007

JEFFERSON VALLEY, NY 10585

CLUB FIT BRIARCLIFF

P.O BOX 241

Taxable Marital Status: Married Exemptions/Allowances: Federal: 2

State:

JARED POPE

COLD SPRING, NY 10516

Social Security Number: XXX-XX-4258

Earnings	rate hours	this period	year to date
Regular	32 0000 182 00	5,824.00	36,183 50
Regular	15,0000 43.00	645.00	
	Gross Pay	\$6,469,00	36,183 50
Deductions	Statutory		
N .	Federal Income Tax	-537 14	2,687.11
	Social Security Tax	-357,00	1,934 78
	Medicare Tax	-83 .49	452 49
	NY State Income Tax	-269 76	1,375 71
	NY SUI/SDI Tax	<b>-2</b> . 40	14.40
	Other		
	Checking	-4,508.15	
	Health 125		
	Net Pay	\$1,000	

\* Excluded from federal taxable wages

Your federal taxable wages this period are \$5,757.94

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CLUB FIT BRIANCLIFF P.O. BOX 241

JEFFERSON VALLEY,

Advice number:

Deposited to the account

JARED POPE

account number

1240 0297

\$4,508.15

Wachovia Bank,

VOID AFTER 180 DAYS

06/30/2007

07/16/2007

CLUB FIT BRIARCLIFF P O. BOX 241

JEFFERSON VALLEY, NY 10585

Taxable Marital Status: Married Exemptions/Allowances:

Federal: 2 State:

**JARED POPE** 

Period Ending:

Pay Dale:

COLD SPRING, NY 10516

Social Security Number: XXX-XX-4258

Earnings	. rate hours .	this period	year to date
Regular	32.0000 190.00	6,080.00	42,263.50
	Groes Pay	\$6,080,00	42,263.50
	***		
Deductions	Statutory	,	
	Federal Income Tax	-575 .54	3,262.65
	Social Security Tax	-332 .87	2,267.65
	Medicare Tax	-77.85	.530.34
	NY State Income Tax	-287 30	1,663.01
	NY SUI/SDI Tax	-2 40	16.80
	Other		
	Checking	-4,092.98	,
	Health 125		
	Not Fay		

\* Excluded from federal taxable wages

Your federal taxable wages this period are \$5,368:94

Deposited to the account of

JARED POPE

account number.

\$4,092.98

VOID AFTER 180 DAYS

#### Case Was Market 291 Line 134-

CLUB FIT BRIARCLIFF P O BOX 241 JEFFERSON VALLEY, NY 10535 Farmings Statement 12

Period Ending: Pay Date: 07/31/2007 08/15/2007

JARED POPE

COLD SPRING, NY 10516

Taxable Marital Status: Married Exemptions/Allowances; Federal: 2

reue≀ai. 2 ₹ State: 2

Social Security Number: XXX-XX-4258

Earnings	, rate houre	this period	year to date
Regular	32.0000 177.00	5,664.00	47,927.50
	Grose (Pay	\$5,664,00	47,927.50
			<del>.</del>
Deductions	Statutory		
	Federal Income Tax	-513 14	3,775 79
· .	Social Security Tax	-307 08	2,574 73
	Medicare Tax	-71.82	602.16
	NY State Income Tax	-258 80	1,921.81
	NY SUI/SDI Tax	-2 40	19.20
	Other		
	Checking	-3,799.70	•
	Health 125		
	Net Pay	\$0,00	

\* Excluded from federal taxable wages

Your federal taxable wages this period are \$4,952.94

CLUR Fit Brianclife

Advice number: obgogsag045

Pay date 08/18/2007

JEFFERSON VALLEY NY 10536

Deposited to the account of account humber transit ABA amount JARED POPE

B602 1240 0297 \$3,799.70

VOID AFTER 180 DAYS

CLUB FIT BRIARCLIFF

P.O. BOX 241 JEFFERSON VALLEY, NY 10535

Texable Marital Status: Married Exemptions/Allowances: Federal: 2 State:

Health 125

Not Pay

Social Security Number: XXX-XX-4258

#### hours this period year to date **Earnings** 6,064.00 61,527.50 Regular 32,0000 189.50 Gross Pay \$6.064.00 61.527 50 **Deductions** Statutory Federal Income Tax -581 83 4,854 41 3,292 86 Social Security Tax -335.47 Medicare Tax -78 46 770.11 2,482.99 NY State Income Tax -290.18 NY SUI/SDI Tax -2.4026.40 Other Checking -4,122 56

\* Excluded from federal taxable wages

Your federal taxable wages this period are \$5,410.90

JARED POPE

Period Ending:

Pay Date:

COLD SPRING, NY 10516

FEarmings Statement 12

11/06/2007

11/14/2007

Advice numbers

Deposited to the account of amount JARED POPE 1240 0297 \$4,122 56

VOID AFTER 180 DAYS

**NON-NEGOTIABLE** 

FEarming® Statement 12

ADP

CLUB FIT BRIARCLIFF P O BOX 241 JEFFERSON VALLEY, NY 10535 Period Ending: Pay Date: 11/30/2007 12/14/2007

Taxable Marital Status. Married Exemplions/Allowances:

Federal. 2 State: 2 JARED POPE

COLD SPRING, NY 10516

Social Security Number; XXX-XX-XXXX

Earnings	rate hours	, this period	year to date
Regular	32,0000 <b>180</b> .00	5,760.00	67,287 50
•	Gross Pay	\$5,760.00	67 287 50
Deductions	Statutory		
	Federal Income Tax	-536 23	5,400.64
	Social Security Tax	-316 63	3,609 49
	Medicare Tax	-74 05	844 16
	NY State Income Tax	-269 35	2,752 34
	NY SUI/SDI Tax	-2 40	28 80
	Other		•
	Checking	-3 908 24	
	Health 125		
	Net Pay	80:.00	

\* Excluded from federal taxable wages

Your federal taxable wages this period are \$5,106 90

ciùr fii bhlàrcliff R.O. BOX 241 JEFFERSON VALLEY, NY 10535

Deposited to the account of

JARED POPE

Wachovia Bank

Advice number:

đầy dale:

0000056404

account number

Transit ABA

amount

8602

1240 **0297** 

\$3,908 24

VOID AFTER 180 DAYS

**NON-NEGOTIABLE** 

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CLUB FIT BRIARCLIFF 584 NORTH STATE ROAD BRIARCLIFF MANOR NY 10510

CHECK NO: PERIOD ENDING: PAY FREQUENCY: PAY PERIOD:

A000233 01/16/08 01/08/08 BIWEEKLY

LOCS:

12/26/07-01/08/08

ARED POPE OLD SPRING NY 10516

ID MAMBER: 2200000766 BASE RATE:

0000

STATUS EXE FED: MARRIED 02 ST1: MARRIED 02 EKEMPT ST2:

TAX ADJUSTMENTS DI/UC: LOCAL:

ST:

STATE AND LOCAL PRI: NY LOCI: SEC: LOC2: ...CODES LOC3:

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	HOUR	S AND EAF	NINGS	YAX LANK	TAXES AN	D DEDU	CTIONS	SPECI	AL INFOR	MATION
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		•		• •	TOTAL TAXES	1475.79 AX DEDUCTI	1475 <b>.79</b> ONS			
ral h/e	<b>207</b> .50	<del>6</del> 621.68	207.50	6621.68		:				
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L	207.50 GROSS	6320.25 PRE-TAX	207.50 TAXABLE WAGES	UESSETAX			NET PAY			
	621.68 621.68	301,43 <del>-</del> 301,43-	6920.25 6920.25	1475.		1	4844.46 4844.46	TOTAL CURRE	ut het hav	4844.4i

DATE: 01-16-08

A Payroll Service By Ceridian

JBL



CLUB FIT BRIARCLIFF 584 NORTH STATE ROAD BRIANCLIFF MANOR NY 10510

CHECK NO: A000233

B ENTIRE NET PAY HAS BEEN DEPOSITED IN YOUR BANK ACCOUNT(S). PLEASE REVIEW "CURRENT NET PAY DISTRIBUTION" SECTION OF YOUR STATEMENT OF EARNINGS FOR DETAILS.

JARED POPE

COLD SPRING, NY 10516

NOT NEGOTIABLE



CLUB FIT BRIARCLIFF 584 NORTH STATE ROAD BRIARCLIFF MANOR NY 10510

CHECK NO: CHECK DATE: PERIOD ENDING: PAY FREQUENCY: PAY PERIOD:

A000359 01/30/08 01/22/08 BIWEEKLY

01/09/08-01/22/08

ARED POPE OLD SPRING NY 10516

ID NUMBER: 2200000766 BASE RATE: SSN:

STATUS EXEMPT TAX ADJUSTMENTS
FED: MARRIED 02 FED:
ST1: MARRIED 02 D1/UC:
ST2: LOCAL: 0000

ST:

STATE AND LOCAL PRI: NY LOCI: SEC: LOCZ:

LOC3: LOCS:

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			•	• •	TOTAL TAXES	652.40 AX DEDUCT	2128, 19				
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TAL	95.00 GROSS	2738.57 PRE-TAX	302.50 Taxable wage	9058.82 S 48 48 SRTA	TOTAL PER DEC XES LESS DE	DS E	NET PAY				
PRENT	3040,00	301.43-	2738.87	652		00	2086 17				
T-D	9681.68	602.86-	9058.82	2128		.00	6930,63	TOTAL	CURPENT	NET PAY	2086 . 17
manamanalainan ana	ement Of Eat	·		<del>enhanamanananium</del>	r and keen for	//mmmmile	· · · · · · · · · · · · · · · · · · ·	Dannel		TOTAL PART	<b>₩</b> ₩Φ0 . 1.

Statement Of Earnings

Detach at perforation below and keep for your records.

A Payroll Service By Ceridian



CLUB FIT BRIARCLIFF 584 NORTH STATE ROAD BRIARCLIFF MANOR, NY 10510

TEXT

DATE: 01-30-08

**CHECK NO: A000359** 

JR ENTIRE NET PAY HAS BEEN DEPOSITED IN YOUR BANK ACCOUNT(S). PLEASE REVIEW = "CURRENT NET PAY DISTRIBUTION" SECTION OF YOUR STATEMENT OF EARNINGS FOR DETAILS

JARED POPE

NOT NEGOTIABLE

COLD SPRING, NY 10516

**57**:



CLUB FIT BRIARCLIFF 584 NORTH STATE ROAD BRIARCLIFF MANOR NY 10510

CHECK NO: CHECK DATE: PERICO ENDING: PAY FREQUENCY: PAY PERICO:

A000471 02/13/08 02/05/08

RIWEEKLY 01/29/06:02/00/08

ARED POPE

OLD SPRING NY 10516

ID NAMER: 2200000766 BASE RATE:

0000 SSN:

STATUS EXEMPT FED: MARRIED 02 ST1: MARRIED 02 ST2:

TAX ADJUSTMENTS FED: DI/UC: LOCAL:

STATE AND LOCAL PRI: NY LOC1: SEC: LOC2:

LOC3: LOC4: LOC5:

#### IMPORTANT MESSAGE

	HOURS	S AND EAR	VINGS		TAXES AN	D DEDUC	TIONS	SPECIAL INFOR	MATION
SCRIPTION	CUI HOURS/UNIT	RENT S <u>EARNINGS</u>	Y-T-0 HOURS/UNITS	EARNINGS_	DESCRIPTION	CURRENT AMOUNT	Y-T-D AMOUNT		•
MMISSION LIDAY	95 50	3056 00	390.00 8 00	12480.00 237.68	SO SEG TAX MEDICARE TAX FED INC TAX PRI-STATE TAX SDI/UC TAX	170 78 39.94 273,82 137.89 1 20	171 29	401k Match YTD 401k Match SCHD HOURS OO	
			•	. 5					
							,	ŕ	
	•			* * * * * * * * * * * * * * * * * * * *	TOTAL TAXES AFTER-TA	623.73 AX DEDUCTIO	2751. <b>92</b>	•	
	;		•		:				
TAL H/E	95.50 28	3056.00	398.00	127/17.68			•		•
DICAL							ı		
	· ·	•			: .	, ,			
			•	•		•		CHORESE NET TAX OF	A
				• •			•	CURRENT NET PAY DES C XXXXXX8602 CHECK AMOUNT	1978.04
TAL PRE-TAX		454.23-	•	1057 : 09-		• •	•		•
TAL	95.50 GROSS	2601.77 PRE-TAX	398.00	11680.59	TOTAL PER DED	S FA	NET PAY		
REUT	3058.00	494.23-	7501.77	G23		70	1978.04		
	12717.08	1057.09-	11560.59	2751	.e2 (	xo	8908.67	TOTAL CURPENT NET PAY	1978.04

Statement Of Earnings

Detach at perforation below and keep for your records.

A Payroll Service By Ceridian



CLUB FIT BRIARCLIFF 584 NORTH STATE ROAD BRIARCLIFF MANOR NY 10510

JBL

DATE: 02-13-08

CHECK NO: A000471

JR ENTIRE NET PAY HAS BEEN DEPOSITED IN YOUR BANK ACCOUNT(S). PLEASE REVIEW : "CURRENT NET PAY DISTRIBUTION" SECTION OF YOUR STATEMENT OF EARNINGS FOR DETAILS

JARED POPE

NOT NEGOTIABLE

COLD SPRING, NY 10516

WEDERSTON AND RECOGNISHED IN COLUMN COMMISSION OF THE STATE OF THE STA



CLUB FIT BRIARCLIFF 584 MORTH STATE ROAD BRIARCLIFF MANOR NY 10510

CHECK NO: CHECK DATE: PERIOD ENDING: PAY FREQUENCY: PAY PERIOD:

A000596 02/27/08 02/19/08

B IWEEKLY 02/04/08-02/14/08

VRED POPE

LD SPRING NY 10518

BASE RATE:

ID NUMBER: 2200000766 SSN:

STATUS EXEMPT FED: MARRIED 02 ST1: MARRIED 02 0000 ST2:

TAX ADJUSTMENTS FED: DI /UC: LOCAL:

ST:

STATE AND LOCAL PRI: NY SEC: LOC1: LOCE:

LOC3: LOC4: LOC5:

IMPORTANT MESSAGE

	Saza Dolle	RS AND EAF	MINIOC			in menu		CDECIAL N	
		• *	- The Control of the		IAXES AN	ID DEDUC		SPECIAL INF	ORMATION
SCRIPTION		JARENT TS EARNINGS	Y-T-Ì HOURS/UNITS	EARNINGS	DESCRIPTION	CURRENT	Y-T-D AMOUNT	•	•. ••
MISSION IDAY	98,00	3072 00	489.00 8 00	237.68	SO SEC TAX MEDICARE TAX FED INC TAX	171 78 40 18 276 10	904.21 211.47 1501.19	401K MATCH YTO 401K MATCH SCHO HOURS CO	. =
				1	PRI-STATE TAX SDI/UC TAX		756 74 6 60		
				,					•
		,	•				• •	•	
					TOTAL TAXES	628.29 AX DEDUCTIO	3380.21		
									•
	•	•	•		•	•			
TAL H/E	88.CO	3072.00 RE-TAX ITEMS	494,00	15799.68		•			• • •
DIK DICAL									
		· · · · · ·							
							•		
					;	•			DISTRIBUTION
							•	C XXXXXX8802 CHECK AMOUNT	1988 68
`									•
AL PRE-TA			a an one one one one or over the safe species for any					1	٠.
AL Section	98,00 GROSS	2616:97 PRE-TAX	494_00 TAXABLE WAGES	14277.59	TOTAL PER DEC ES LESS DE		NET PAY	•	
RENT	3072.60	455.05-	2816 97	628	29		1988 68	]	
	15789.68	<b>搭拉. 22~</b>	14277.88	3380.:		* ***	0897.35	TOTAL CURRENT NET	PAY 1986,68

Statement Of Earnings

Detach at perforation below and keep for your records.

A Payroli Service By Ceridian



CLUB FIT BRIARCLIFF 584 NORTH STATE ROAD BRIARCLIFF MANOR NY 10510

DATE: 02-27-08

CHECK NO: A000596

R ENTIRE NET PAY HAS BEEN DEPOSITED IN YOUR BANK ACCOUNT(S). PLEASE REVIEW "CURRENT NET PAY DISTRIBUTION" SECTION OF YOUR STATEMENT OF EARNINGS FOR DETAILS.

JARED POPE

COLD SPRING, NY 10516

NOT NEGOTIABLE



CLUB FIT BRIARCLIFF 584 NORTH STATE ROAD BRIARCLIFF MANOR NY 10510

CHECK NO: CHECK DATE: PERIOD ENDING: PAY PRECUENCY: PAY PERIOD:

A000963 D4/09/08 04/01/08 BIWEEKLY 03/19/08-04/01/08

IRED POPE

ILD SPRING NY 10516

ID NUMBER: 2200000766 BASE RATE: 0000 SSN:

ST2:

STATUS EXEMPT FED: MARRIED ÛZ STI: MARRIED 02

Document 34-5

TAX ADJUSTMENTS DI /UC:

STATE AT PRI: NY SEC: AND LOCAL W LOCA: LOCA: LOCA: LOCA: LOCA:

#### IMPORTANT MESSAGE

	HOUR	S AND EAR	NINGS		TAXES AN	n neni i	CTIONIS	SPECIAL	NEODM	ATION
SCRIPTION	CU	RRENT S EARNINGS	Y-T-I	) Earnings	DESCRIPTION	CURRENT AMOUNT	Y-T-D AMOUNT	OLLOIAL	IN ONIN	ATION
IMISSION LIDAY SC NONEY	85 50	2894 25	751.50 8.00	24321 75 237 68 258 00	SO SEC TAX MEDICARE TAX FED INC TAX PRI-STATE TAX SDI/UC TAX	158 90 37 18 248 50 125 51 1.20		NOTE MATCH YTO 401K MATCH SCHO HOURS	00	<b>4</b>
			•							
					•					
		r				:				
		•			TOTAL TAXES	569,27 AX DEDUCT	<b>5211_0</b> 1 IONS	The state of the s		
								•		
		•		•		•				
AL H/E	85,50	2864,25	759.50	24815.43						
H CAL	· PR	E-TAX ITEMS								
							•			
							•			
en e		• * *		٠.						
		8				:		CURRENT NET C XXXXXX8602 CHECK ANOUNT	PAY DISTR	1850,3/ 0,00
			•				,			•
AL PRE-TAX										
AL	85.50 GROSS	2419.61 PRE-TAX	769.60 TAXABLE WAGES	21947.73	TOTAL PER DED					
RENT	2884, 25	444.84-	2419 61	569		)S 14.	NET PAY 1850.34			
	24815.43	2887.70-	21947.73	5211		50	18738.72	TOTAL CURRENT		1850.3

Statement Of Earnings

Detach at perforation below and keep for your records.

A Payroll Service By Ceridian



**CLUB FIT BRIARCLIFF** 584 NORTH STATE ROAD BRIARCLIFF MANOR NY 10510

781

DATE: 04-09-08

CHECK NO: A000963

IR ENTIRE NET PAY HAS BEEN DEPOSITED IN YOUR BANK ACCOUNT(S). PLEASE REVIEW : "CURRENT NET PAY DISTRIBUTION" SECTION OF YOUR STATEMENT OF EARNINGS FOR DETAILS.

JARED POPE

COLD SPRING, NY 10516

NOT NEGOTIABLE



CLUB FIT BRIARCLIFF 584 NORTH STATE HOAD BRIARCLIFF MANOR, NY 10510 CHECK NO: CHECK DATE: PERIOD ENDING: PAY FREQUENCY:

A001214 05/07/08 04/29/08 BIWEEKLY

PAY PERIOD: 04/16/08-04/29/08

RED POPE D SPRING MY 10516

ID NAMER: 2200000768 BASE RATE: 0000 SSN:

0000

STATUS EXPUPT TAX ADJUSTMENTS
FED: MARRIED 02 FED:
ST1: MARRIED 02 DI/UC: MARRIED 02 ST1: MARRIED 02 ST2:

LOCAL:

STATE A PRI: NY SEC: AND LOCAL IV LOCAL LOC2: LOCA: LOCA: LOCA:

IM	POF	TA	NT	MES	SSA	GE

	HOURS	AND EAF	NINGS		TAXES AN	ID DEDUC	CTIONS	SPECIAL INFORMATIO
CRIPTION	CURR HOURS/UNITS		Y-T-E HOLFRS/UNITS	EARNINGS	DESCRIPTION	CURRENT AMOUNT	Y+T+D AMOUNT	
TION ISSION DAY MONEY	24.00 53.60	748.40 1792.25	24 00 895 00 8 00	748 .40 28 129 .00 237 68 256 00	SO SEC TAX HEDICARE TAX FED INC TAX PRI-STATE TAX SDI/UC TAX	138 71 32 44 200.10 104.32 1.20	401 02	NOTE MATCH YTD 401K HATCH SCHO HOURS .00
	24 x	<i>3</i> 3 50 <u> </u>	=804 746 533					
			•		TOTAL TAXES AFFEREN	476.77 AX DEDUCTIO	<b>6208.87</b> DNS	
						•	,	
H/E AL	77.50 PRE-	2538,65 FAX   TEMS	\$27 <u>.</u> 00	30389 OR			٠.	
		e e			:	•		
•				•	•			
	•	•		•			•	CUPRENT NET PAY DISTRIBUTED C XXXXXX8802 163 CHECK AMOUNT
PRE-TAX								
	77.50	2110,29	827.00		TOTAL PER DED			
it.	GROSS	PRESTAX SE	2110 29	LESS TA		DS EQ	NET PAY 1633.52	
		746 . 24-	20820.04	C209			1944.92	TOTAL CURRENT NET PAY 160

Statement Of Earnings

Detach at perforation below and keep for your records.

A Payroll Service By Ceridian



CLUB FIT BRIARCLIFF 584 NORTH STATE ROAD BRIARCLIFF MANOR, NY 16510

JBI

DATE: 05-07-08

CHECK NO: A001214

R ENTIRE NET PAY HAS BEEN DEPOSITED IN YOUR BANK ACCOUNT(S). PLEASE REVIEW "CURRENT NET PAY DISTRIBUTION" SECTION OF YOUR STATEMENT OF EARNINGS FOR DETAILS

JARED POPE

COLD SPRING, NY 10516

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CLUB FIT BRIARCLIFF 584 NORTH STATE ROAD BRIARCLIFF MANOR, NY 10510

CHECK NO: CHECK DATE: A001336 06/21/08 PERIOD ENDING: PAY FREQUENCY: 05/13/08 BIWEEKLY

PAY PERIOD: 04/90/08-05/13/08

TAX ADJUSTMENTS FED: DI/UC: STATE AND LOCAL LOC1: LOC4: LOC4: LOC5: ST: PRI: NY SEC: ..... : MEE ST2: LOCAL:

						GE

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	HOUR	S AND EAR	NINGS		TAXES AN	ID DEDUC	CTIONS	SPECIAL INFORMATION
ESCRIPTIO		RRENT IS EARNINGS	Y-T-C	EARNINGS	DESCRIPTION	CURRENT	Y-T-D AMCUNT	
MNISSION LIDAY CATION SC MONEY	83 00	2780.50	978.00 8 00 24 00	31909 50 237 88 748 40 258.00	SO SEC TAX MEDICARE TAX FED INC TAX PRI-STATE TAX SDI/UC TAX	153 70 35 .84 234 58 120 08 1 20	1888 39 439 98 3005 03 1821 15 13 80	401K MATCH TTD 401K MATCH SCHO HOURS 00
			<u>.</u>		TOTAL TAXES	945.48 TAX DEDUCTION	- 6845,32 ONE	
· .						•		
TAL H/E O1K DICAL	89,00 PF	2780.50 E-TAX ITEMS	1010.00	33149.58				
•								CURRENT NET PAY DISTRIBUTION
				-				C XXXXXX8602 1794 58 CHECK AMOUNT 00
TAL PRE-T	TAX			ننت			·	
CAL.	83.00 G3089	2340.04 PHE <b>57</b> 4X	1010.00	26980.88	TOTAL PER DEE	DS EO	NET PAY	
BENT	2780 50	/440/ 445-	2340 04	545		00	1794, 58	
<u>r-D</u>	33 14G . 58	4188.70-	28950.65	0845	.33 .	<b>co</b> :	22118.58	TOTAL CURRENT NET PAY 1784.38

Statement Of Earnings

Detach at perforation below and keep for your records.

A Payroll Service By Cerldian



CLUB FIT BRIARCLIFF 584 NORTH STATE ROAD BRIARCLIFF MANOR NY 10510

THE

DATE: 05-21-08

CHECK NO: A001336

IR ENTIRE NET PAY HAS BEEN DEPOSITED IN YOUR BANK ACCOUNT(S). PLEASE REVIEW "CURRENT NET PAY DISTRIBUTION" SECTION OF YOUR STATEMENT OF EARNINGS FOR DETAILS

JARED POPE

COLD SPRING, NY 10516

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# EXHIBIT C

### Case 1:08 09 4045AQABSH-MHD P.O. BOX 241 JEFFERSON VALLEY, NY 10535

Document 34-6

Filed 09/05/2008 Period Ending: Pay Date:

10/31/2005 11/15/2005

Taxable Marital Status: Single Exemptions/Allowances:

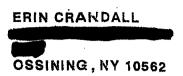
Federal: 0 State:

Social Security Number: XXX-XX-2067

	• • • • • • • • • • • • • • • • • • • •		
<u>Earnings</u>	rate hours	this period	year to date
Regular	29.0000 194.50	5,640.50	7,757.50
	Gross Pay	\$5,640,50	7,757.50
Deductions	Statutory	,	
	Federal Income Tax	-1,074.66	1,288.63
	Social Security Tax	-340.12	452.56
. • .	Medicare Tax	-79.54	105.84
	NY State Income Tax	-308.48	367.91
	NY SUI/SDI Tax	-2.40	4.80
	Other		•
	Advance	-400.00	-200.00
	Health 125		
	Net Pay	\$3,280.55	•

#### \* Excluded from federal taxable wages

Your federal taxable wages this period are \$5,485.75



Important Notes

FLU SHOTS OFFERED AT JEFFERSON VALLEY AND BRIARCLIFF - SEE FLYER FOR DETAILS

### Case 1:08-cv-04530-BSJ-MHD Document 34-6

CLUB FIT BRIARCLIFF P.O. BOX 241 JEFFERSON VALLEY, NY 10535 Page 3 of 15

Period Ending:

12/06/2005 12/1.4/2005

Pay Date:

Taxable Marital Status: Single Exemptions/Allowances:

Federal: 0 State:

ERIN CRANDALL OSSINING, NY 10562

Social Security Number: XXX-XX-2067

Earnings	rate hours	this period	year to date
Regular	29.0000 179.50	5,205.50	12,963.00
•	Gross Pay	\$5,205,50	12,963.00
Deductions	Statutory		
	Federal Income Tax	-962.70	2,251.33
	Social Security Tax	-313.24	765.80
• •	Medicare Tax	-73.26	179.10
	NY State Income Tax	-278.78	646.69
	NY SUI/SDI Tax	-2.40	7.20
	Other		
	Advance	-600.00	-200.00
•	Health 125	*	
	Net Pay	\$2,821.90	

\* Excluded from federal taxable wages

Your federal taxable wages this period are \$5,052.28

Pay Date:

01/24/2007

Taxable Marital Status: Single Exemptions/Allowances: Federal: 0

State: 0

**ERIN CRANDALL** OSSINING, NY 10562

Social Security Number: XXX-XX-2067

Earnings	rate hours	this period	year to date
Regular	. 10.0000 30.00	300.00	5,147.30
Regular	17.3075 40.00	692.30	
•	Gross Pay	\$992.30	5,147.30
Deductions	Statutory		
•	Federal Income Tax	-119.20	744.10
	Social Security Tax	-61.53	308.84
	Medicare Tax	-14.39	72.23
	NY State Income Tax	-34.76	221.42
	NY SUI/SDI Tax	-1.20	4.80
	Other		
	Life Ins	. (	
	Health 125		
	Net Pay	\$753,86	

Your federal taxable wages this period are \$992.30

### Case 1:0006VFP453AFBSFFMHD P.O. BOX 241 JEFFERSON VALLEY, NY 10535

Document 34-6

Filed 09/05/2008 Period Ending: Pay Date:

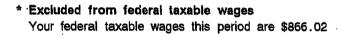
Page 5 of 15 01/30/2007 02/07/2007

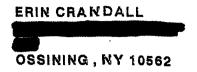
Taxable Marital Status: Single Exemptions/Allowances:

Federal: 0 State: 0

Social Security Number: XXX-XX-2067

Earnings	rate hours	this period	year to date
Regular	10.0000 30.00	300.00	6,139.60
Regular	17.3075 40.00	692.30	
	Gross Pay	\$992,30	6,139.60
Deductions	Statutory		
	Federal Income Tax	-100.26	844.36
	Social Security Tax	-56.76	365.60 85.50
	Medicare Tax	-13.27	
•	NY State Income Tax	-27.31	248.73
	NY SUI/SDI Tax	-1.20	6.00
	Other		
,	Health 125		
·	Life Ins		
	401 K		
	Net Pay	\$559.86	





Other Benefits and			
Information	this period	total to da	te
401K Match			

## Case 1:0806 4-794530-BS-1-MHD

P.O. BOX 241 JEFFERSON VALLEY, NY 10535 Document 34-6

Filed 09/05/2008 Period Ending: Pay Date: Page 6 of 15 01/31/2007

Taxable Marital Status: Single Exemptions/Allowances:

Federal: 0 State: 0

Life Ins

Social Security Number: XXX-XX-2067

Earnings	rate hours	this period	year to date
Regular	31,0000. 100,50	3,115.50	9,255.10
-	Gross Pay	\$3,115.50	9,255.10
Deductions	Statutory		
	Federal Income Tax	-422.79	1,267.15
	Social Security Tax	-193.17	558.77
	Medicare Tax	-45.18	130.68
	NY State Income Tax	-135.44	384.17
•	NY SUI/SDI Tax	-2.40	8.40
	Other		
,	401K		
	Health 125		

\* Excluded from federal taxable wages

Net Pay \$2,160.74

Your federal taxable wages this period are \$2,959.72

Other Benefits	and					•	
Information		this	period	totai	to	date	
401K Metch				-			

### Case 1c00scm-0st-520cBFul-MHD P.O. BOX 241 JEFFERSON VALLEY, NY 10535

Document 34-6

Filed 09/05/200 Period Ending:
Pay Date:

Page 7 of 15

ERIN CRANDALL

OSSINING, NY 10562

Other Benefits and

Information this period 401K Match

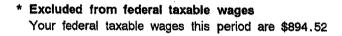
total to date

Taxable Marital Status: Single Exemptions/Allowances: Federal: 0

Federal: 0
State: 0

Social Security Number: XXX-XX-2067

Earnings	rate hours	this period	year to date
Regular	11.0000 30.00	330.00	14,772.00
Regular	17.3075 40.00	692.30	
	Gross Pay	\$1,022,30	14,772.00
Deductions	Statutory		
	Federal Income Tax	-104.53	1,870.58
•	Social Security Tax	-58.62	886.55
	Medicare Tax	-13.71	207.34
	NY State Income Tax	-28.99	563,55
	NY SUI/SDI Tax	-1.20	14.40
	Other .		
	Health 125		
	Life Ins		
	401K		
	Net Pay	\$680.11	r



## Case 1:08-cy-04530-BSJ-MHD P.O. BOX 241 JEFFERSON VALLEY, NY 10535

Document 34-6

Filed 09/05/2008 Period Ending:

Pay Date:

Page 8 of 15 03/27/2007

04/04/2007

Taxable Marital Status: Single Exemptions/Allowances: Federal: 0

State:

Earnings	rate hours	this period	year to date
Regular	11.0000 30.00	330.00	15,794.30
Regular	17.3075 40.00	692.30	
	Gross Pay	\$1,022,30	15,794.30
Deductions	Statutory		•
	Federal Income Tax	-104.53	1,975.11
	Social Security Tax	-58.63	945.18
	Medicare Tax	-13.71	221.05
	NY State Income Tax	-28.99	592.54
	NY SUI/SDI Tax	-1.20	15.60
	Other		
	Health 125		
	Life Ins		
	401K		
	Net Pay	\$680.10	

<sup>\*</sup> Excluded from federal taxable wages Your federal taxable wages this period are \$894.52

ERIN CRANDALL OSSINING, NY 10562

Other Benefits and			
<u>Information</u>	this period	total to	date
401K Match	التسنية		

## Case 1:08-cy-04530-BSJ-MHD

P.O. BOX 241 JEFFERSON VALLEY, NY 10535 Document 34-6

Filed 09/05/2008 Period Ending: Pay Date:

Page 9 of 15 03/31/2007 04/16/2007

Taxable Marital Status: Single Exemptions/Allowances: Federal: 0 State: 0

Social Security Number: XXX-XX-2067

Earnings	rate nours	tnis period	year to date
Regular	31.0000 116.00	3,596.00	19,390,30
	Gross Pay	\$3,596,00	19,390.30
Deductions	Statutory		,
	Federal Income Tax	-536,91	2,512.02
	Social Security Tax	-222.96	1,168.14
	Medicare Tax	-52.14	273.19
	NY State income Tax	-166.71	759.25
•	NY SUI/SDI Tax	-2.40	18.00

401K Health 125 Life Ins

Other



\* Excluded from federal taxable wages

Your federal taxable wages this period are \$3,416.20

ERIN CRANDALL

OSSINING, NY 10562

Other Benefits and

Information this period 401K Match

total to date



#### P.O. BOX 241

Document 34-6

Pay Date:

07/25/2007

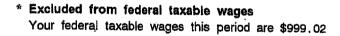
Taxable Marital Status: Single Exemptions/Allowances:

Federal: 0 State: 0

Social Security Number: XXX-XX-2067

JEFFERSON VALLEY, NY 10535

			->A-2007	
<u>Earnings</u>	rate	hours	this period	year to date
Regular	11.0000	40.00	440.00	36,536.70
Regular	17.3075	40.00	692.30	,,,,,,,
Misc				. 14.30
	Gross Pay		\$1,132.30	36,551.00
Deductions	Statutory	•	•	
	Federal Inco	me Tax	-120.21	4,498.65
	Social Secu	rity Tax	-65.45	2,194,08
	Medicare Ta	x .	-15.31	513.13
	NY State In	come Tax	-35.15	1,367.68
	NY SUI/SDI	Tax		31.20
	Other			
	Health 125			
	Life Ins			
	401 K			
	Net Pay		\$765.56	-



ERIN CRANDALL OSSINING , NY 10562

Other Benefits and Information

401K Match

this period

total to date

## Case 1:08064704530-BS-L-MHD P.O. BOX 241 JEFFERSON VALLEY, NY 10535

Taxable Marital Status: Single

Exemptions/Allowances: Federal: 0 State: 0

401K

Document 34-6

Filed 09/05/2008 Period Ending: Pay Date: Page 11 of 15 07/31/2007 08/08/2007

this period

total to date

ERIN CRANDALL

<u>Information</u>

401K Match

7

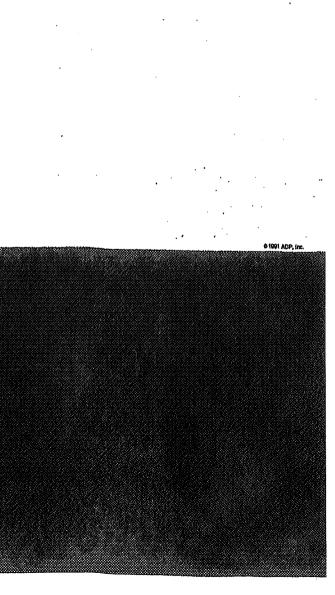
Other Benefits and

OSSINING, NY 10562

Social Security Number: XXX-XX-2067

Earnings	rate l	ours	this period	year to date
Regular	11.0000	10.00	440.00	37,669.00
Regular	17.3075	40.00	692.30	
Misc				14.30
	Gross Pay		\$1,132.30	37,683.30
Deductions	Statutory			
	Federal Incom	e Tax	-120.21	4,618.86
	Social Security	Tax	-65.45	. 2,259.53
	Medicare Tax		-15.31	528,44
	NY State Inco	me Tax	-35.15	1,402.83
	NY SUI/SDI	ax		31 .20
	Öther			
	Health 125	•		
	Life Ins			

\* Excluded from federal taxable wages
Your federal taxable wages this period are \$999.02



## Case 1:08\_00 AABAARBSILEMHD

Document 34-6

4-6 Filed 09/05 Period End Pay Date: Page 12 of 15

P.O. BOX 241 JEFFERSON VALLEY, NY 10535

Taxable Marital Status: Single Exemptions/Allowances:

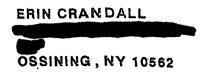
Federal: 0 State: 0

Social Security Number: XXX-XX-2067

1.0000  se Ray  tutory  eral Inco ial Secu-	•	1,813.50 \$1,813.50 -199.13 -112.43	39,482.50 14.30 39,496.80 4,817.99 2,371.96
tutory eral Inco	rity Tax	-199.13 -112.43	39,496.80 4,817.99 2,371.96
tutory eral Inco	rity Tax	-199.13 -112.43	4,817.99 2,371.96
eral Inco	rity Tax	-112.43	2,371.96
eral Inco	rity Tax	-112.43	2,371.96
ial Secu	rity Tax	-112.43	2,371.96
	•		•
dicare Ta	<b>.</b>		
310010 10	2.0	-26.29	554.73
State In	ncome Tax	-54.07	1,456.90
SUI/SDI	Tax		31 . 20
ier			
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alth 125			
e ins	<i>a</i> .	• .	
	ner IK alth 125 e ins	ner IK alth 125 e ins	ner IK alth 125 e ins a

\* Excluded from federal taxable wages

Your federal taxable wages this period are \$1,722.82



Other Benefits and				
Information	this period	total	to	đ
401K Match		-		

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## Case 1:00 BY FO 4530-BS I-MHD P.O. BOX 241

Document 34-6

Filed 09/05/2008 Period Ending:

Pay Date:

Page 13 of 15 08/14/2007

08/22/2007

Taxable Marital Status: Single Exemptions/Allowances:

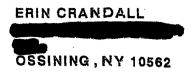
Federal: 0 State:

Social Security Number: XXX-XX-2067

JEFFERSON VALLEY, NY 10535

	Social Security Number: XX	X-,XX-2067	
<u>Earnings</u>	rate hours	this period	year to date
Regular	11.0000 40.00	440.00	40,614.80
Regular	17.3075 40.00	692.30	•
Misc	· .		14.30
	Gross Pay	\$1,132,30	40,629.10
Deductions	Statutory		
	. Federal income Tax	-120.21	4,938.20
•	Social Security Tax	-65.45	2,437.41
	Medicare Tax	-15.31	570.04
	NY State income Tax	, -35.15	1,492.05
	NY SUI/SDI Tax		31.20
	Other		
•	Health 125		
	Life Ins		
	401K		
•	Net Pay	\$755,54	

\* Excluded from federal taxable wages Your federal taxable wages this period are \$999.02



Other Benefits and Information		this period	total to date
401K Match			
	•		

Important Notes 2007 ONLINE STAFF SURVEY COMING SEPTEMBER 10 THRU OCTOBER 8

#### Case 1:08-cv-04530-BSJ-MHD CLUB FIT BRIARCLIFF P.O. BOX 241 JEFFERSON VALLEY, NY 10535

Document 34-6

Filed 09/05/2008

Period Ending: Pay Date: Page 14 of 15 08/28/2007

09/05/2007

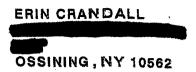
Taxable Marital Status: Single

Exemptions/Allowances: Federal: 0 State: 0

Social Security Number: XXX-XX-2067

	operation of the state of the s	(-)0(-200)	•
Earnings	rate hours	this period	year to date
Regular	11.0000 40.00	440.00	41,747.10
Regular	. 17.3075 40.00	692.30	•
Misc			14.30
	Gross Pay	\$1,132.30	41,761.40
Deductions	Statutory		
aineal an ambarahan arandakinin Virilliakinintara	Federal Income Tax	-120.21	5,058.41
	Social Security Tax	-65.45	2,502.86
	Medicare Tax	-15.31	585.35
	NY State Income Tax	-35.15	1,527.20
	NY SUI/SDI Tax	•	31.20
	Other		
	Health 125		
	Life Ins		
	401 K		
•	Net Pay	\$755,54	

\* Excluded from federal taxable wages
Your federal taxable wages this period are \$999.02



Other Benefits and		
Information	this period	total to date
401K Match		

Document 34-6

P.O. BOX 241

JEFFERSON VALLEY, NY 10535

Taxable Marital Status: Single Exemptions/Allowances:

Federal: 0 State: 0

Social Security Number: XXX-XX-2067

Earnings	rate hours	this period	year to date
Regular	31.0000 49.50	1,534.50	43,281.60
Misc			14.30
	Gross Pay	\$1,534.50	43,295.90
Deductions	Statutory Federal Income Tax	-159.37	E 047 70
	Social Security Tax	-139.37 -95.14	5,217.78
	•		2,598.00
	Medicare Tax	-22.25	607.60
	NY State Income Tax	-38.94	1,566.14
	NY SUI/SDI Tax		. 31,20

Other 401K

Health 125 Life Ins

\$1,142,07

\* Excluded from federal taxable wages

Your federal taxable wages this period are \$1,457.77

Filed 09/05/2008

Period Ending: Pay Date:

Page 15 of 15 08/31/2007 09/14/2007

ERIN CRANDALL

OSSINING, NY 10562

Other Benefits and

Information

this period

total to date

**Important Notes** 

401K Match

2007 ONLINE STAFF SURVEY COMING SEPTEMBER 10 THRU **OCTOBER 8** 

# EXHIBIT D

CLUB FIT BRIARCLIFF P.O. BOX 241 JEFFERSON VALLEY, NY 10535 Period Ending: Pay Date:

01/16/2007 01/24/2007

Taxable Marital Status: Single Exemptions/Allowances:

Federal: 0 State:

MICHAEL WISNIEWSKI

**BRIARCLIFF MANOR, NY 10510** 

Social Security Number: XXX-XX-4011

Earnings	rate	hours	this period	year to date
Regular	17.5000	38.25	669.38	2,167.51
Regular	20,0000	40.00	800.00	
Misc	*			500.00
	Gross Pay		\$1,469.38	2,667.51
Deductions	Statutory			
	Federal Inco	me Tax	-184.53	320.06
	Social Secur	ity Tax	-85.09	153.36
	Medicare Ta	x	-19.90	35.87
	NY State In	come Tax	-60.36	102.14
	NY SUI/SDI	Tax	-1.20	2.40
	Other			
•	Checking		-1,021.31	
	Health 125			
	Net Pay		\$0.00	

\* Excluded from federal taxable wages

Your federal taxable wages this period are \$1,372.39

CLUB FIT BRIARCLIFF P.O. BOX 241 JEFFERSON VALLEY, NY 10535

Deposited to the account of

**MICHAEL WISNIEWSKI** 

Advice number:

00000040053

transit ABA

0210 0002

\$1,021.31

rchovia Bank

**NON-NEGOTIABLE** 

VOID AFTER 180 DAYS

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#### Case 100 825 2050 473 950 BSJ-MH100 0000 000 cument 34-7

CLUB FIT BRIARCLIFF P.O. BOX 241 JEFFERSON VALLEY, NY 10535

Taxable Marital Status; Single Exemptions/Allowances;

Federal: 0 State: 0

#### Social Security Number: XXX-XX-4011

	SOCIST SECTLERY I	Ambet: YYY	~XX-4011	
Earnings	rate	hours	this period	year to date
Regular	17.5000	63.75	1,115.63	4,083.14
Regular	20.0000	40.00	800.00	
Misc				500.00
	Gross Pay	Misio incop	\$1,915.63	4,583,14
•				
Deductions	Statutory			
	Federal Incon	ne Tax	-267.36	587.42
	Social Securi	ty Tax	-112.75	266,11
	Medicare Tax		-26.37	62.24
	NY State Inc	ome Tax	-83,05	185.19
	NY SUI/SDI	Tax	-1.20	3.60
	Other			
	Checking		-1,212.97	
	Health 125			
	401K			
	Net Pay	100 100 3,000	# \$0.00 :	

#### \* Excluded from federal taxable wages

Your federal taxable wages this period are \$1,703.70

Earnings2 Sotatement of 10

Period Ending: Pay Date: 01/30/2007

MICHAEL WISNIEWSKI

BRIARCLIFF MANOR, NY 10510

Other Benefits and

Information this period total to date 401K Match

Verify document authention / - colored area must change in tolle dradually and evenly from dark at 10p to Lighter at evit fo

CLUB FIT BRIARCLIFF P.O. BOX 241 JEFFERSON VALLEY, NY 10535

Deposited to the account of MICHAEL WISNIEWSKI

Advice number;

00000060051 02/07/2007

account number

transit ABA

amount

8565

0210 0002

\$1,212.97

VOID AFTER 180 DAYS

NON-NEGOTIABLE

Wachovia Bank, N.A. 15 V.

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white the second ment 34-7 **Earnings/Statement** of 10

ADP

total to date

CLUB FIT BRIARCLIFF P.O. BOX 241 JEFFERSON VALLEY, NY 10535 Period Ending: Pay Date:

401K Match

07/31/2007 08/08/2007

Taxable Marital Status: Single Exemptions/Allowances:

Federal: 0 State: 0 MICHAEL WISNIEWSKI

**BRIARCLIFF MANOR, NY 10510** 

Social Security Number: XXX-XX-4011

	COCICI COCATING TO			
Earnings	rate	hours	this period	year to date
Regular	17.5000	53.25	931.88	25,491.28
Regular	20.0000	40.00	800.00	
Misc				514.30
Vacation				400.00
	Gross Pay	Tandan	\$1,731,88	26,405.58
Deductions	Statutory			
	Federal Incom	е Тах	-224.18	3,128,88
,	Social Securit	y Tax	-101.36	1,540.93
	Medicare Tax	-	-23.71	360.38
	NY State Inco	ome Tax	-71.22	978,61
	NY SUI/SDI T	ах	-1.20	19.20
	Other			
	Checking		-1,109.31	
	Health 125		•	

Other Benefits and Information this period

\* Excluded from federal taxable wages

Your federal taxable wages this period are \$1,530.98

1991 ADR (no

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CLUB FIT BRIARCLIFF P.O. BOX 241 JEFFERSON VALLEY, NY 10535

Deposited to the account of MICHAEL WISNIEWSKI

Advice number:

00000320055 08/08/2007

🏥 🖣 account number

transit ABA

amount

8565

0210 0002

\$1,109,31

VOID AFTER 180 DAYS

**NON-NEGOTIABLE** 

3

## Case 1/108-520-045-66-BSJ-M50003500B0CJment 34-7

CLUB FIT BRIARCLIFF P.O. BOX 241 JEFFERSON VALLEY, NY 10535

Taxable Mantal Status: Single Exemptions/Allowances.

Federal: 0 State: 0

#### Social Security Number, XXX-XX-4011

Earnings	rate	hours	this period	year to date
Regular	17.5000	42.50	743.75	28,696.28
Regular	20.0000	60.00	1,200.00	
Misc		•		514.30
Vacation			<u> </u>	400.00
	Gross Pay		\$1,943.75	29,610.58
Deductions	Statutory			
	Federal Incom	e Tax	-273.96	3,536.48
	Social Security	/ Tax	-114.50	1,727.62
	Medicare Tax		-26.78	404.04
•	NY State Inco	me Tax	-84.87	1,104.40
	NY SUI/SDI T	ax	-1.20	21.60
	Other			
	Checking		-1,228.82	
	Health 125			
	401 K			
	Net Pay	7. S.	\$0.00	

\* Excluded from federal taxable wages

Your federal taxable wages this period are \$1,730.13

## Earn Mgs 25 tate ment of 10



Period Ending: Pay Date: 08/28/2007 09/05/2007

#### MICHAEL WISNIEWSKI

BRIARCLIFF MANOR, NY 10510

Other Benefits and					
Information	this	poited	total	to	date
401K Match	•		-		

### oboosoos ocument 34-7

CLUB FIT BRIARCLIFF P.O. BOX 241 JEFFERSON VALLEY, NY 10535

Taxable Marital Status: Sinole Exemptions/Allowances: Federal: 0 State:

Social Security Number: XXX-XX-4011

Earnings	rate	hours	this period	year to date
Regular	17.5000	37.50	656.25	30,552.53
Regular	20.0000	60.00	1,200.00	
Misc				514.30
Vacation				400.00
	Grosa Pay		\$1,956.25	31,466.83
			. :.	
Deductions	Statutory			
	Federal Incon	ne Tax	-253.40	3,789.68
	Social Securi	ly Tax	-109.07	1,836.69
	Medicare Tax		-25.51	429.55
	NY State Inc	ome Tax	-79.23	1,183.63
	NY SUI/SDI	Tax	-1.20	22.80
	Other			
	Checking		-1,179.47	
•	Health 125		السيني	
	401K			
•	Net Pay	i akirta	30.50,00 ·	

\* Excluded from federal taxable wages

Your federal taxable wages this period are \$1,647.88

## Earnings/Statement of 10

Period Ending: Pay Date:

09/11/2007 09/19/2007

MICHAEL WISNIEWSKI

**BRIARCLIFF MANOR, NY 10510** 

Other Benefits and

Information this period 401K Match

total to date

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CLUB FIT BRIARCLIFF P.O. BOX 241 JEFFERSON VALLEY, NY 10535

00000380051

Pay date:

09/19/2007

Deposited to the account of

MICHAEL WISNIEWSKI

transit ABA

amount

8565

0210 0002

\$1,179.47

VOID AFTER 180 DAYS

NON-NEGOTIABLE

## J-Medicional ocument 34-7 Earnings/Statement of 10

CLUB FIT BRIARCLIFF P.O. BOX 241 JEFFERSON VALLEY, NY 10535

Taxable Marital Status: Single Exemptions/Allowances: Federal. 0

State:

Period Ending: Pay Date:

10/09/2007

10/17/2007

MICHAEL WISNIEWSKI

BRIARCLIFF MANOR, NY 10510

Social Security Number: XXX-XX-4011

	SUCIAL SECURITY IN	milmontage	TO CHOIL	
Earnings	rate	hours	this period	year to date
Regular	17.5000	51.00	892.50	34,611.28
Regular	20.0000	60.00	1,200.00	
Misc				514.30
Vacation				400.00
	Gross Pay		\$2,092,50	35,525.58
Deductions	Statutory			
DOUGO (10112	Federal Incom	e Tax	-304.93	4,308.56
	Social Securit	у Тах	-122.73	2,075.31
	Medicare Tax	-28.71	485,36	
	NY State Inco	ome Tax	-93.35	1,342.69
	NY SUI/SDI	Tax .	-1.20	26.80
	Other			
	Checking		-1,303.06	
	Health 125			
	401 K			
	Net Pay 🔑		/ <b>\$0.00</b>	

\* Excluded from federal taxable wages

Your federal taxable wages this period are \$1,853.98

Other Benefits and		
information	this period	total to date
401K Match		

CLUB FIT BRIARCLIFF P.O. BOX 241 📑 JEFFERSON VALLEY, NY 10535

5<sup>15</sup>N

Advice number:

00000420055 10/17/2007

Deposited to the account of

MICHAEL WISNIEWSKI

account number

transit ABA

amount

0210 0002

\$1,303.06

Wachovia Bank,

VOID AFTER 180 DAYS

**NON-NEGOTIABLE** 

CLUB FIT BRIARCLIFF P.O. BOX 241 JEFFERSON VALLEY, NY 10535

Taxable Marital Status: Single Exemptions/Allowances: Federal. 0 State.

Social Security Number: XXX-XX-4011

•				
Earnings	rate	hours	this period	year to date
Regular	17.5000	34.00	595,00	. 36,406.28
Regular	20,0000	60.00	1,200.00	
Misc				514.30
Vacation				400,00
•	Gross Pay	it in the transition	\$1,795.00	37,320.58
Deductions	Statutory			
-	Federal Incor	ne Tax	-237.01	4,545.57
	Social Securi	ily Tax	-104.79	2,180,10
•	Medicare Tax	<b>K</b>	-24.50	509.86
	NY State Inc	ome Tax	-74.74	1,417.43
	NY SUI/SDI	Tax	-1.20	28.00
	Other			
	Checking		-1,140.08	
	Health 125			
	401K			
	Net Pay	e , , , , ,	\$0.00	
			<del></del>	

\* Excluded from federal taxable wages

Your federal taxable wages this period are \$1,582.32

Period Ending: Pay Date:

10/23/2007

10/31/2007

MICHAEL WISNIEWSKI

BRIARCLIFF MANOR, NY 10510

Other Benefits and

Information 401K Match

this period

total to date

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CLUB FIT BRIARCLIFF P.O. BOX 241

JEFFERSON VALLEY, NY 10535

Deposited to the account of

A verif ( Dogument Parthennolly - Golobed ( Mey Dogument of the ICE III

**MICHAEL WISNIEWSKI** 

Advice number:

00000440050 10/31/2007

account number

amount

0210 0002

\$1,140.08

VOID AFTER 180 DAYS

5 (5 ) **NON-NEGOTIABLE** 



CLUB FIT BRIARCLIFF 584 NORTH STATE ROAD BRIARCLIFF MANOR, NY 10510

CHECK NO: CHECK DATE: PERIOD ENDING: PAY FREQUENCY: PAY PERIOD:

A001351 05/04/08 05/27/08 BIMEEKLY 05/14/08-05/27/0

MICHAEL WISNIEWSKI

BRIARCLIFF MANOR NY

ID NUMBER: 0300000076 BASE RATE: SSN:

STATUS FED: SINGLE 1692.31 ST1: SINGLE ST2:

EXEMPT 00

TAX ADJUSTMENTS FED: ST: DI/UC: LOCAL:

STATE AND LOCAL CODES PRI: NY SEC: LOC1 : Loc LOC

IMPORTANT MESSAGE

	HOUR	RS AND EARI	NINGS		TAXES AN	D DEDU	ICTIONS	SPECIALINFORMATION
DESCRIPT		URRENT ITS EARNINGS	Y-T-C HOURS/UNITS		DESCRIPTION	CURRENT	Y-T-D	O' ESIALINI UNIVATIO
REGULAR SAL W/ RA COMMISSIO HISC MONE	80.00 ATE A 20.00 ON	1892.31	710.00 192.62 3.50	14292,31 S 3370,87 F 70.00 F 3850.00 F	SO SEC TAX MEDICARE TAX FED INC TAX PRI-STATE TAX SDI/UC TAX	120, 11 28.09 293.08 90.87 1.20	490.211	401K MATCH YTD 401K MATCH SCHD HOURS .00
	aller minet minet and the distribution according to	reconstruction of the data of						e a ta
					TOTAL TAXES AFTER-T	533.15 TAX DEDUCTO	4601.63 IONS	
		•		·		•		
TOTAL H/E		2042.31 RE-TAX RIEWS	906 . 12	21583.18				
401K Medical		104.98-		1154.78-				
	erio de la compansión de La compansión de la compa							
								CURHENT NET PAY DISTRIBUTION C XXXXXXX8565 1281 CHECK AMOUNT
TOTAL PRE	Tax	227.52-	•	2449,78-				
TOTAL	100,00	1814.78	908.12	19123.40 7	TOTAL PER DED	· ************************************	*	V 1
	2943.31		1814.79	SWEUESSETAXI	ES DE		1281.84	
Y-T-0	21583.18	2449.76-	19133.40	4601.6	<b>‡</b>	.00		TOTAL CURRENT NET PAY 1281



CLUB FIT BRIARCLIFF 584 NORTH STATE ROAD BRIARCLIFF MANOR, NY 10510

DATE: 06-04-08

CHECK NO: A001351

YOUR ENTIRE NET PAY HAS BEEN DEPOSITED IN YOUR BANK ACCOUNT(S). PLEASE REVIEW
THE "CURRENT NET PAY DISTRIBUTION" SECTION OF YOUR STATEMENT OF EARNINGS FOR DETAILS.

MICHAEL WISNIEWSKI

NOT NEGOTIABLE

BRIARCLIFF MANDR, NY 10510

JBL



CLUB FIT BRIARCLIFF 584 NORTH STATE ROAD BRIARCLIFF MANOR, NY 10510

CHECK NO: CHECK DATE: PERIOD ENDING: PAY FREQUENCY: PAY PERIOD:

Page 10 of 10

A001474 06/18/08 08/10/08 BIWEEKLY 05/28/08-06/10/08

MICHAEL WISNIEWSKI

BRIARCLIFF MANOR, NY 10510

ID NLMBER: 0300000076 FED: SINGLE 00 FED: 8ASE RATE: 1692.31 ST1: SINGLE 00 DI/UC: SSN:

ST1: SINGLE

LOCAL:

STATE AND LOCAL CODES
PRI: NY LOCI: LOCS
SEC: LOC2: LOCAL LOC3 LOC4 LOC5

IMPORTANT MESSAGE

							i i i i i i i i i i i i i i i i i i i		A CONTRACTOR OF THE STATE OF TH
1824/2008/2009	SHOURS	AND EAR	VINGS		TAXES AN	DEDU	STIONS	SPECIALINFOR	MATION
DESCRIPTION	CURR HIXAB/LINETS	ENT EARNINGS	Y-T-E HOURS/UNITS	EARNINGS	DESCRIPTION	CURRENT AMOUNT	Y-T-D AMOUNT		
REGULAR COMNISSION SAL W/ RATE A HISC HONEY	80,00 38.00	1692,31 850,00	780.00 41.50 182.82	3370,87	SO SEC TAX HEDICARE TAX FED INC TAX PRI-STATE TAX SDI/UC TAX	157.32 36.79 434.08 129.30 1.20	333.00	401K NATCH YTD 401K NATCH SCHD HOURS .00	=
-				·	-				180° mar u
					TOTAL TAXES	758.69 TAXE DEDUCTE	5360. <b>32</b> ONS		
TOTAL H/E	118.00 2002 PRES	2542,31 TAX: ETENS	1024 , 12	24229.49					
MED I CAL		104.88-		1259.76-				·	
		· :							
								C XXXXXXXX8565 CHECK ANOUNT	STRIBUTION 1620
TOTAL PRE-TAX	elle refercibility (diffragencescoler referable and annual second and annual second	263.52-	700 M (101 101 101 101 101 101 101 101 101 10	27 13 . 30-	المنا المناوعة بلك المناوعة المناوعة المناوعة المناوعة المناوعة	as her can ber hal one one one has ay one		. 17	
TOTAL	118.00 GROSS	2378.79 2PRE-TAX	1024 , 12 Taxable wage	21512.19 UESSINA	TOTAL PER DEI XES 14ESS DI	) EDS:///oreg	NET PAY		
CURRENT	2642.31	263.52-	2378, 30_	758	1	.00	1620, 10		
Automobiling Street	-Mail 23/19/17/4-1				4 54 44 Julius	<u> </u>	1020.10		



CLUB FIT BRIARCLIFF BRIARCLIFF MANOR, NY 10510

DATE: 06-18-08

CHECK NO: A001474

YOUR ENTIRE NET PAY HAS BEEN DEPOSITED IN YOUR BANK ACCOUNT(S). PLEASE REVIEW THE "CURRENT NET PAY DISTRIBUTION" SECTION OF YOUR STATEMENT OF EARNINGS FOR DETAILS.

MICHAEL WISNIEWSKI

NOT NEGOTIABLE

BRIARCLIFF MANOR, NY 10510

decis.

# EXHIBIT E

## AMENDED [PROPOSED] COURT AUTHORIZED NOTICE **CONCERNING CLUB FIT**

**UNITED STATES DISTRICT COURT** SOUTHERN DISTRICT OF NEW YORK

## If you were employed by Club Fit between May 15, 2002 and the present, and were paid by the hour at any time during that period, please read this notice.

This is a court authorized notice. This is not a solicitation from a lawyer.

Former workers have sued Club Fit, claiming that Club Fit failed to pay appropriate overtime and other wages required by law.

YOU	R LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT
ASK TO BE INCLUDED	If you choose to be included in this collective action, you keep the possibility of getting money or benefits that may result from a trial or a settlement in this lawsuit, but you give up any rights to separately sue Club Fit about the same legal claims in this lawsuit.
	If you wish to be included, you must complete the form at the end of this Notice and submit it by [60 DAYS FROM DATE OF NOTICE]
DO NOTHING	By doing nothing, you will not be included in this action. This means that you give up the possibility of getting money or benefits that may result from a trial or settlement in this lawsuit if those bringing the lawsuit are successful. You keep any rights to sue Club Fit separately about the same legal claims in this lawsuit, but the statute of limitations period on your claim continues to run. You may choose not to sue Club Fit at all.

Your options are explained in this notice. To ask to be included in the lawsuit, you must act before \_\_\_\_\_ (insert 60 days from date notice is sent out)

This notice contains information that affects your rights. Please read it carefully.

#### 1. Why did I get this notice?

You are getting this notice because Club Fit's records show that you previously worked for Club Fit. A lawsuit has been brought against Club Fit claiming that its workers, including tennis, fitness, aquatics, wellness and café staff were not paid all wages required by law, including overtime wages. The Court is trying to determine which employees wish to participate in the case. The Honorable Barbara S. Jones, United States District Court Judge in the Southern District of New York, is overseeing this collective action. The lawsuit is known as *Bazzini v. Club Fit Management, Inc., et al*, 08-cv-4530.

#### 2. What is the lawsuit about?

This lawsuit is about whether Club Fit should have paid its workers overtime for each hour worked per workweek in excess of forty hours, and other wage and hour violations.

#### 3. What is a collective action and who is involved?

In a collective action lawsuit, one or more persons who have similar claims can bring a lawsuit that includes others who have similar claims. All Club Fit employees who decide to participate in the case are part of a "Collective Action." The former employees who brought this lawsuit – and all of the Collective Action Members – are called the Plaintiffs. The companies that they have sued, Club Fit Management, Inc. and Jefferson Valley Racquet Club, Inc. as well as David Swope, Beth Beck and Bill Beck, are called the Defendants. One Court resolves the issues for everyone who decides to join the case.

#### 4. What is Club Fit's position?

Club Fit maintains that they did nothing wrong. For a copy of Club Fit's answer to the complaint in this case, or any of the papers filed in the case, please contact Plaintiffs' counsel at the address noted in paragraph 12, below.

#### 5. Has the Court decided who is right?

The Court has not decided whether Club Fit or the Plaintiffs are correct. By establishing the collective action and issuing the Notice, the Court is not suggesting that the Plaintiffs will win or lose the case.

#### 6. What are the Plaintiffs asking for?

Plaintiffs are seeking to change Club Fit's pay practices and policies and to recover unpaid wages including overtime wages. Plaintiffs are also seeking recovery of attorneys' fees and costs.

#### 7. Can I join this lawsuit?

To be eligible to join this lawsuit, you must have been employed by Club Fit after [Date to be determined by the Court] and have no ownership interest in Club Fit.

#### 8. I'm not sure if I am included.

If you are still not sure whether you are included, you can get free help by calling or writing the lawyers in this case, at the phone number or address listed below.

#### 9. What happens if I do nothing at all?

If you choose not to join this lawsuit, you will not be affected by any ruling, judgment or settlement rendered in this case, whether favorable or unfavorable. You will <u>not</u> be entitled to share any amounts recovered by Plaintiffs as part of this lawsuit. You also will be free to independently retain your own counsel and file your own individual lawsuit, subject to any defenses that might be asserted. You should be aware that your federal wage and hour claims are limited by a two- or three-year statute of limitations, and your state law claims are limited by a six-year statute of limitations. Delay in joining this action, or proceeding separately, may result in some or all of your claims expiring as a matter of law. If you proceed separately, you may also have to pay for your own lawyer.

Page 5 of 6

#### 10. What happens if I join the lawsuit?

If you choose to join this lawsuit, you will be bound by any ruling, settlement or judgment, whether favorable or unfavorable. You will also share in any proceeds from a settlement or judgment. By joining this lawsuit, you designate the named Plaintiff(s) as your representative(s), and to the fullest extent possible, to make decisions on your behalf concerning the case, the method and manner of conducting the case, the entering of an agreement with Plaintiffs' counsel regarding payment of attorneys' fees and court costs, the approval of settlements, and all other matters pertaining to this lawsuit. These decisions and agreements made and entered into will be binding if you join the lawsuit. While this suit is pending, you may be asked to provide documents or information relating to your employment, or otherwise participate in written and/or oral discovery proceedings and/or a trial of this matter.

#### 11. Can Club Fit and/or my current employer retaliate against me if I join the lawsuit?

It is a violation of federal law for Club Fit or any of its related entities to fire, discipline, or in any manner discriminate or retaliate against you for taking part in this case. If you believe that you have been penalized, discriminated against, or disciplined in any way as a result of your receiving this notification, considering whether to join this lawsuit, or actually joining this lawsuit, you may contact Plaintiffs' lawyers or any other lawyers of your choosing.

#### 12. How do I ask the Court to include me in the case?

Enclosed is a form called "Consent to Sue." If you choose to join this lawsuit, it is extremely important that you read, sign and promptly return the Consent to Sue form. An addressed and postage paid envelope is enclosed for your convenience. Should the enclosed envelope be lost or misplaced, the Consent to Sue form must be sent to:

Club Fit Lawsuit Faruqi & Faruqi, LLP 369 Lexington Avenue, 10th Floor New York, New York 10017

The signed Consent to Sue form must be postmarked by	of this
Notice] . If your signed Consent to Sue form is not postmarked by [60 day	s from
mailing of the Notice], you will not participate in this lawsuit, you will not share	e in a
monetary recovery, and you will not be bound by any settlement or judgment.	

#### 13. Who will be my lawyer?

If you choose to join this lawsuit you will be represented by Adam Gonnelli of Faruqi & Faruqi, LLP, 369 Lexington Avenue, 10<sup>th</sup> Floor, New York, New York 10017, agonnelli@faruqilaw.com. You can learn about the firm at www.faruqilaw.com

#### 14. Should I get my own lawyer?

You do not need to hire your own lawyer because if you join the suit by submitting your Consent To Sue form, Plaintiffs' Counsel will be working on your behalf. But if you want your own lawyer, you may hire one. But in that case you may have to pay that lawyer and may have to file your own separate lawsuit.

#### 15. How will the lawyers be paid?

The named Plaintiffs have entered into a contingency fee agreement with Plaintiffs' counsel, which means that if you do not win, there will be no attorneys' fees or costs chargeable to you. Under the fee agreement, in the event there is a recovery, Plaintiffs' counsel will receive a percentage of any settlement obtained or money judgment entered in favor of all members of the class. The Court may also be asked to determine the amount of fees. The fees may be part of a settlement obtained or money judgment entered in favor of Plaintiffs, or may be ordered by the Court to be separately paid by Club Fit, or may be a combination of the two.

# EXHIBIT F

#### **AMENDED** [PROPOSED] COURT AUTHORIZED NOTICE

#### **CONCERNING CLUB FIT**

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

If you were employed by Club Fit between May 15, 2002 and the present, and were paid by the hour at any time during that period, please read this notice.

This is a court authorized notice. This is not a solicitation from a lawyer.

Former workers have sued Club Fit, claiming that Club Fit failed to pay appropriate overtime and other wages required by law.

YOU	YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT						
ASK TO BE INCLUDED	If you choose to be included in this collective action, you keep the possibility of getting money or benefits that may result from a trial or a settlement in this lawsuit, but you give up any rights to separately sue Club Fit about the same legal claims in this lawsuit.  If you wish to be included, you must complete the form at the end of						
	this Notice and submit it by [60 DAYS FROM DATE OF NOTICE]						
DO NOTHING	By doing nothing, you will not be included in this action. This means that you give up the possibility of getting money or benefits that may result from a trial or settlement in this lawsuit if those bringing the lawsuit are successful. You keep any rights to sue Club Fit separately about the same legal claims in this lawsuit, but the statute of limitations period on your claim continues to run. You may choose not to sue Club Fit at all.						

Your options are explained in this notice. To ask to be included in the lawsuit, you must act before \_\_\_\_\_ (insert 60 days from date notice is sent out)

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Questions? Contact Christopher Marlborough at Faruqi & Faruqi, LLP at 212-983-9330 or cmarlborough@faruqilaw.com. All inquiries are confidential.

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#### What is Club Fit's position?

Club Fit maintains that they did nothing wrong. For a copy of Club Fit's answer to the complaint in this case, or any of the papers filed in the case, please contact Plaintiffs' counsel at the address noted in paragraph 12, below.

#### Has the Court decided who is right?

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#### What are the Plaintiffs asking for?

2

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The signed Consent to Sue form must be postmarked by [60 days from mailing of this Notice]. If your signed Consent to Sue form is not postmarked by [60 days from mailing of the Notice], you will not participate in this lawsuit, you will not share in a monetary recovery, and you will not be bound by any settlement or judgment.

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4

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